

APPROVED

**MINUTES**  
**BOARD OF SELECTMEN MEETING**  
Cape Cod Resort and Conference Center  
35 Scudder Avenue, Hyannis, MA 02601  
Thursday, June 22, 2017  
4:00 PM

**SELECTMEN PRESENT:** Ballantine, Brown, MacAskill

**OTHERS PRESENT:** Town Administrator Christopher Clark, Carole Ridley.

**MEETING CALLED TO ORDER** at 4:00 p.m. by Chairman MacAskill.

Ms. Ridley, Pleasant Bay Alliance Coordinator, provided an overview of the proposed Joint Resolution of the towns sharing the watershed of Pleasant Bay. Mr. Ballantine moved to approve the resolution as presented (see attached). Ms. Brown seconded the motion and the motion carried by a 3-0-0 vote. Favorable votes were also taken by the Towns of Brewster, Chatham and Orleans.

Mr. Ballantine moved to adjourn at 4:45 p.m. Ms. Brown seconded the motion and the motion carried by a 3-0-0 vote.

Submitted by:

Christopher Clark  
Town Administrator

## Resolution of the Towns Sharing the Watershed of Pleasant Bay

**Whereas,** The Towns of Brewster, Chatham, Harwich and Orleans share the watershed of Pleasant Bay and, by intermunicipal agreement, have formed a Pleasant Bay Alliance to coordinate resource management of Pleasant Bay among the member towns;

**Whereas,** Pleasant Bay is a state-designated Area of Critical Environmental Concern;

**Whereas,** A Resource Management Plan for Pleasant Bay developed by the Alliance and approved by Town Meetings of the four member towns identifies excessive nitrogen loading from watershed land uses as a primary threat to the health and sustainability of Pleasant Bay;

**Whereas,** The Massachusetts Department of Environmental Protection, in conformance with the Federal Clean Water Act, established 19 Total Maximum Daily Loads (TMDLs) for Nitrogen in Pleasant Bay, which require substantial reductions in the amount of nitrogen flowing into Pleasant Bay from watershed sources;

**Whereas,** the Cape Cod Commission has developed an approved Section 208 Areawide Water Quality Management Plan Update, which designates the Towns as Waste Management Agencies (WMAs) responsible for meeting TMDLs, and which sets forth resources and assistance available to WMAs to facilitate compliance on a watershed basis;

**Whereas,** Each of the member towns of the Pleasant Bay Alliance has developed a plan to address its share of responsibility for reducing the amount of nitrogen flowing into Pleasant Bay from watershed sources;

**Whereas,** the Pleasant Bay Alliance has analyzed the combined effect of the four town plans on a watershed basis; and

**Whereas,** the composite analysis presents in a uniform way the attenuated nitrogen loads and load removal requirements already contained in individual town plans;

**Therefore, Be it resolved** that the Board of Selectmen of \_\_\_\_\_, pursuant to its authority under the Town Charter, hereby vote to take the following actions:

1. Endorse the **PLEASANT BAY COMPOSITE NITROGEN MANAGEMENT ANALYSIS** (March 2017) as an accurate representation of (a) the Town's share of current attenuated nitrogen load and of (b) the Town's responsibility to remove nitrogen in each subwatershed of Pleasant Bay.
2. The Town as a Waste Management Treatment Agency (WMA) Agrees to work with other member towns/WMAs in collaboration with the Alliance and with

Carole Ridley 6/15/2017 9:26 AM

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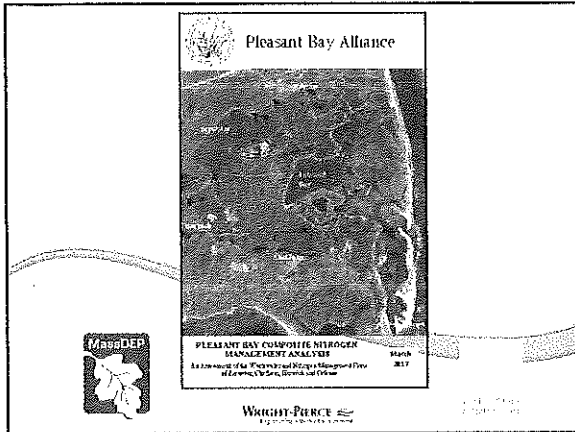
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the Cape Cod Commission and Massachusetts Department of Environmental Protection to:

- A. Fully explore the opportunities for efficiency and cost savings identified in the **PLEASANT BAY COMPOSITE NITROGEN MANAGEMENT ANALYSIS**.
- B. Support development of a Targeted Watershed Management Plan consistent with the requirements of the approved Section 208 Areawide Water Quality Management Plan Update.
- C. Participate in a watershed permit pilot project in order to explore additional potential costs savings and efficiencies and determine the advantages and disadvantages to the Town.
- D. Support other projects, studies or agreements as may be necessary to advance the foregoing activities pending the Board of Selectmen's review and authorization of any required funding.
- E. The concept of nitrogen trading shall be subject to further review and analysis before any commitments can be considered.

Signed

Date



### Purpose of the Composite Analysis

- Show combined effect of all four towns' plans for N removal in Pleasant Bay.
- Identify gaps or overlaps – opportunities to pursue joint projects or enter into negotiations with other towns/WMAs to gain efficiencies.
- Facilitate compliance with 208 Plan Update.

### Highlights

- **Regional opportunities** -- On a subembayment basis, gaps and overages in N removal create opportunities for exploring cost efficiencies:
  - Nitrogen trading
  - Shared facilities/projects
- **Other efficiencies through coordinated action:**
  - Cost effective monitoring and modeling
  - First step in meeting need for TWMP under the 208 Plan and for Watershed Permitting

### Process

- Watershed Work Group & Wright-Pierce work ≈18 months
- Vetted by town officials, technical consultants, Cape Cod Commission, MassDEP
- Presentation to Boards of Selectmen
- Resolution to endorse analysis and pursue evaluation of recommended next steps

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### Resolution - 1

- Endorse analysis as an accurate representation of:
  - Towns' share of current attenuated N load
  - Towns' responsibility to remove N load in each sub-watershed of Pleasant Bay.

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### N Removals Consistent with Town Plans

- Attenuated N load removal requirement = 17,700 kg/yr (100%)
- Requirement by Town:
  - Brewster— 2,300 kg/yr (13%)
  - Chatham— 4,100 kg/yr (23%)
  - Harwich— 4,400 kg/yr (25%)
  - Orleans— 6,900 kg/yr (39%)

## Resolution - 2

Towns/WMAs agree to collaborate with each other, the Alliance, Cape Cod Commission, MassDEP to:

- Explore opportunities for efficiency & cost savings identified in Composite Analysis
- Support development of a TWMP consistent with 208 Plan Update
- Participate in MassDEP pilot project to explore watershed permit
- Support projects, studies, agreements pending authorization of any required funding
- No commitments on N trading until further evaluation and authorization

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## • Comments from Cape Cod Commission and MassDEP

- Board votes on resolution
- Next steps

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## Next Steps

### 1. Additional analysis

- Documentation of N removal costs (basis for N trading)
- Performance monitoring & back-up of non-traditional systems
- Review growth assumptions to ensure eligibility for 0% SRF funding

### 2. Optimization

- Explore Nitrogen trading
- Explore/pursue shared facilities and pilot projects

## Next Steps

### 3. Administrative

- Resolution to adopt composite analysis and move forward with exploration of opportunities
- Evaluate need/structure for additional watershed agreement

### 4. 208 Compliance & Watershed Permitting

- Possible TWNMP
- MassDEP Watershed Permitting Pilot Project

## Preliminary Timeline

- Modeling and monitoring plan – Q4 2017
- Recommendation on watershed permit pilot project – Q2 2018
- Recommendations on optimization – Q3 2017
- Nitrogen trading framework – Q3 2018
- Recommendation on MOU – Q4 2018

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## Questions / Discussions

