

Response to Public Comment

In August 2017, the Cape Cod Commission released a draft Implementation Report, highlighting the region’s successes since certification and approval of the Cape Cod Area Wide Water Quality Management Plan Update in 2015 and outlining future actions to achieve the primary goal of improved water quality Cape wide. The draft was available for a 30-day public comment period, which closed on September 18, 2017.

During the public comment period two letters were received. One letter was from the Town of Falmouth with a request to correct information included in watershed reports. The second letter was from the Association to Preserve Cape Cod (APCC) with a request to address issues related to funding, both through the proposed 208 consistency review process and through ongoing efforts to assist waste treatment management agencies (WMAs) with implementation of wastewater and water quality solutions. Both letters are attached.

The 2017 Implementation Report reflects and incorporates the suggestions received. The following changes were made to the Little Pond and West Falmouth Harbor watersheds:

- Little Pond
 - Additional language was added to the watershed scenarios section on page 8 regarding the approved Little Pond Targeted Watershed Management Plan (TWMP)
 - Clarifying language was added to page 8 to address load calculations and assumptions used
 - The non-traditional scenario on page 9 was adjusted to better reflect technologies identified in the Little Pond TWMP
- West Falmouth Harbor
 - The watershed report was updated to reflect 3 mg/L nitrogen for effluent discharge and scenarios were adjusted accordingly.

To address the suggestions related to funding, an additional criterion was added to the 208 consistency review that requires WMAs seeking 208 consistency include in their plan an assessment of the town’s ability to pay for the proposed work. As detailed in the 208 consistency review guidance (Appendix F), this assessment shall include a fiscal analysis of the town’s ability to pay, identification of potential review sources and a schedule for financing. At the suggestion of APCC, the Commission intends to continue efforts to develop regional tools and approaches to assist WMAs in considering options related to financing.



Water Quality Management Committee
59 Town Hall Square - Falmouth, MA - 02540
WQMC@falmouthmass.com

Erin Perry, Special Projects Manager
 Cape Cod Commission
 3225 Main Street
 Barnstable, MA 02630

September 10, 2017

Dear Erin,

Attached are the results of the review of the Cape Cod Commission's third version of the Draft Watershed Reports for the Town of Falmouth's estuaries, prepared by Commission staff and contractors, and reviewed by the Falmouth Water Quality Management Committee at our meeting on September 7, 2017. Key issues include:

- The loads are still being calculated using WatershedMVP not the MEP Report loads. There are significant differences, as shown in Table 1. We believe the Commission should use the MEP loads because the TMDLs are based on these values.

Table 1. Comparison of Massachusetts Estuaries Project and Watershed MVP Estimates for Controllable Load for Falmouth's Watersheds

Watershed	MEP Present Controllable* Load (kg/yr)	WMVP Present Controllable* Load (kg/yr)	Difference (kg/yr)	Larger (MEP or WMVP)	Target Removal Load (kg/yr)	MEP Nitrogen Removal Required (kg/yr)	WMVP Nitrogen Removal Required (kg/yr)
Megansett Harbor**	11,658	6,193	5,465	MEP	10,192	1,466	(3,999)
Rands Harbor	2,217	2,470	253	WMVP	1,610	607	860
Fiddlers Harbor	1,581	1,581	0	NA	1,229	352	352
Wild Harbor	8,635	9,318	683	WMVP	5,884	2,751	3,434
West Falmouth	15,235	9,528	5,707	WMVP		15,235	9,528
Quissett Harbor	1,233	1,443	210	WMVP	967	266	476
Oyster Pond	1,633	1,269	364	MEP	557	1,076	712
Salt Pond	1,668	1,833	165	WMVP	466	1,202	1,367
Falmouth Harbor	2,627	3,561	934	WMVP	2,002	625	1,559
Little Pond***	601	2,980	2,379	WMVP	1,956	(1,355)	1,024
Great Pond	19,349	20,570	1,221	WMVP	7,194	12,155	13,376
Green Pond	8,161	7,685	476	MVP	2,318	5,844	5,367
Bournes Pond	5,457	6,922	1,465	WMVP	1,296	4,161	5,626
Waquoit Bay	33,166	39,655	6,489	MVP	15,440	17,727	24,216

* Includes attenuated septic, runoff and fertilizer

**MVP load calculation is significantly lower than MEP and indicates system does not need any nitrogen load to be removed

*** Load remaining after implementing the Little Pond sewer project

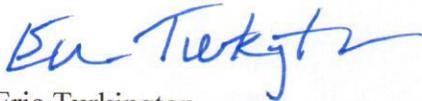
- The Commission continues to use long lengths of PRBs in a few watersheds (575 lf. in Rands, 2,000 lf. in Falmouth Inner, 1,300 lf. in Green Pond, 11,000 lf. in Waquoit) and fertigation in several watersheds (Great Pond, Waquoit, Wild Harbor). While the WQMC does not think these quantities/lengths are

feasible or practical, the WQMC recognizes that these are just a “starting point for discussion” and part of Commission scenarios, not Falmouth’s.

- **Significant watershed-level issues and errors:**

- West Falmouth Harbor load is based on the WWTF effluent discharge at 10 mg N/L. This should be 3 mg N/L based on DEP discharge permit and Settlement Agreement as well as WWTF performance.
- The Commission calculates that Little Pond watershed still needs over 1000 kg N/year removed after sewerage the entire lower watershed - this is based on a watershed load of 59MGY or ~162,000 gpd. No explanation of where this comes from. The approved Targeted Watershed Management Plan (TWMP) for this watershed as well as the Certificate from the Secretary of Energy and Environmental Affairs states that the approved Final Environmental Impact Report (FEIR) calculates that sewer removes 88% of the required nitrogen load. The remaining load is approximately 600 kg N. Commission should base its calculations on the already-approved TWMP and FEIR.

Sincerely,



Eric Turkington
Chair, Falmouth Water Quality Management Committee

Cc Paul Niedzwiecki



September 18, 2017

Andrew Gottlieb
Executive Director

Mr. Paul Niedzwiecki, Executive Director
Cape Cod Commission
3225 Main St
PO Box 226
Boston, MA 02632

BOARD OF DIRECTORS

Margo L. Fenn
President

Charles Sumner
Vice President

Robert Summersgill
Treasurer

Elizabeth Jenkins
Clerk

Elliott Carr

Michael Corrigan

Anne Ekstrom

Katherine Garofoli

DeeDee Holt

Thomas Huettner

Pat Hughes

Cheryl Lubin

Blue Magruder

Eliza McClennen

Maureen O'Shea

Donald Palladino

Daniel Webb

RE: 208 Consistency Review

Dear Mr. Niedzwiecki:

Thank you for the opportunity to comment on the ongoing 208 process and consistency review. The Association to Preserve Cape Cod (APCC) supports the groundbreaking work done by the Cape Cod Commission on the 208 plan. The framework created by the plan provides a way forward for the communities of Cape Cod to finally tackle the wastewater issues that jeopardize the Cape's future water quality.

In order for the towns to be able to implement the recommendations of the plan, they must address the development of a funding strategy. The individual towns all have their own financial challenges, but there are some commonalities that confront all Cape towns. To facilitate the ability of towns to develop plans, APCC recommends that the Commission, as part of this review, include an assessment of the ability of towns to pay for the recommended work and develop recommendations and tools that will make it easier for the towns to proceed to implementation.

The development of a region-wide approach to financing the plan addresses the single largest remaining impediment to realizing the vision outlined in the 208 plan. APCC stands ready to assist the Commission in this endeavor.

Sincerely,

A handwritten signature in blue ink, appearing to read "Andrew Gottlieb", with a long horizontal flourish extending to the right.

Andrew Gottlieb
Executive Director