

Regional Agreement Pledges To Clean Popponesset Bay

By SAM HOUGHTON Nov 17, 2017

Mashpee, Barnstable and Sandwich are poised to sign a regional agreement that will help improve water quality within Popponesset Bay.

The inter-municipal agreement is the first of its kind on Cape Cod as the region looks to address wastewater impacts on coastal waterways, and towns across the Cape will likely use the agreement as a model when moving forward with their own regional initiatives.

"This is a significant step forward," Mashpee Selectman Andrew R. Gottlieb said this week. "It's a huge deal."

Mr. Gottlieb helped hash out the agreement.

The document marks a recognition by all three towns that each shares a responsibility for the nitrogen loading that continues to impair the bay's waters, and the agreement is a commitment from the towns to work together to mitigate that impact. Groundwater carries pollutants from all three towns into the bay.

"We all share in causing the problem; therefore, we all share in the solution," Mr. Gottlieb said.

The agreement also creates a framework for the towns to look for the lowest cost options available for this mitigation.

Most significantly, the agreement lays out the percentage of nitrogen each of the three towns are responsible to mitigate for the overall problem in the bay, down to the half percentage point.

The agreement states that Mashpee contributed the lion's share, 74.5 percent, of the nitrogen load, Barnstable pledges to clean up 16 percent, and Sandwich 9.5 percent.

Mashpee Board of Selectmen on Monday, November 13, voted unanimously to support the agreement but held off signing it until both other towns approved it.

The agreement came about after a year-and-a-half of negotiations through a working group represented by the three towns.

Mashpee's assistant Town Manager Wayne E. Taylor, Town Planner F. Thomas Fudala, wastewater consulting engineer Jeff Gregg and Mr. Gottlieb represented Mashpee; Sandwich Town Manager George H. (Bud) Dunham, Health Agent David B. Mason, consulting engineer Edward Leonard with Wright Pierce, and then-Selectman Frank Pannorfi represented Sandwich; and Daniel W. Santos from Barnstable Department of Public Works represented the easternmost town.

Sandwich volunteered its town counsel to draft the language, and Mashpee and Barnstable counsels both reviewed the draft.

The Cape Cod Commission funded the work through grants and will use Mashpee, Sandwich and Barnstable's framework to assist other towns in their own regional agreements.

"Work to date on this [agreement] can serve as a model for other communities and I look forward to continued progress in Popponesset Bay and elsewhere across the region," Paul Niedzwiecki, executive director of the Commission, wrote to the three towns.

The commission, following a court order, was charged with developing an updated water quality management plan pursuant to section 208 of the Environmental Protection Agency's 1972 Clean Water Act. The commission's updated plan, known as the 208 plan, was approved by the state in 2015. The plan calls on towns to take a regional approach to cleaning estuaries where multiple towns share in the degradation of watersheds.

The degradation mostly stems from septic tanks, and municipalities have looked at installing sewers, as well as other alternatives such as shellfish, to mitigate the high nitrogen loads. Sewers catch nitrogen at its source, before it can make it into the groundwater and then into the estuaries. Prior to the court order, towns across the Cape had drafted their plans to clean their estuaries.

The state approved Mashpee's Comprehensive Nitrogen Mitigation Plan in 2015, a 20-year plan that calls for the installment of sewer collection systems around the town's southern water bodies. Neither Sandwich nor Barnstable have yet to receive state certifications for such plans.

On Monday, chairman of the Mashpee Board of Selectman Thomas F. O'Hara had concerns that signing the agreement would set into place a specific deadline on its plan, but Mr. Gottlieb reassured the board the agreement spelled out a framework for working toward completion, and did not force a timeline.

"[Each town] controls the timing and how to implement their plans," he said. "This gives us the knowledge that they are on track."

The agreement also lays out guidelines for finding cost-effective means to deal with the nitrogen loading. For a town like Sandwich that is so far from the bay, it could make more sense to pay Mashpee to mitigate its share of the pollution. While no specifics have yet been laid out in the agreement, the document creates a framework for that to take place. One section of the 6-page agreement states that the towns agree to develop "a fair and practical methodology for a reasonable nitrogen trading mechanism, including metrics for determining a nitrogen credit trading 'currency' in terms of dollars per pound or other trading metric."

Mashpee will be the fiscal agent under the agreement and, as it states, shall "receive, hold and expend" funds appropriated by the parties for joint actions required in the implementation of the agreement as well as grant funds awarded regarding a permit.

The agreement also calls for a working group with representatives from each town. The group would have no binding authority, other than providing recommendations. It would be subject to open meeting law.