



Via electronic delivery
April 5, 2013

Secretary Richard K. Sullivan, Jr.
Executive Office of Energy and Environmental Affairs
Attn: MEPA Office – Anne Canady
100 Cambridge Street, Suite 900
Boston, MA 02114

**Re: Harwich Comprehensive Wastewater Management Plan
MEPA Project No. 15022**

Ed DeWitt
Executive Director

Dear Secretary Sullivan:

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On behalf of the Association to Preserve Cape Cod (APCC), the Cape's leading environmental advocacy and educational organization, I would like to offer a few general comments on Cape Cod Comprehensive Wastewater Management Plans (CWMPs), and specifically the town of Harwich Draft CWMP currently under review as an EENF. While the Harwich plan is proactive, APCC is concerned that CWMPs continue to be developed and submitted based on town boundaries rather than on shared watersheds. APCC believes that this is a shortsighted approach that will cost the taxpayers of Cape Cod more and will result in less than optimum results. Prior to the submission of the EENF, the Cape Cod Commission published its Regional Wastewater Management Plan, and APCC believes that the Harwich CWMP and all Cape Cod CWMPs must be measured against that plan.

Founded in 1968 and representing more than 5,000 members, the mission of APCC is to promote policies and programs that enhance the protection of the natural resources of Cape Cod. Underlying all of the work that APCC does is the understanding that Cape Cod is a single geographic and hydrogeological unit, and that the Cape's natural resources and economic vitality cannot be adequately protected based on arbitrary political borders.

APCC has long-maintained that protection of the Cape's water resources requires a regional approach. In the 1980s, APCC advocated for the creation of a regional authority to protect water resources. In 2003, APCC, in coordination with the Cape Cod Business Roundtable, called for the creation of a regional authority to address the lack of adequate wastewater infrastructure on Cape Cod. APCC later served on the task force created by Barnstable County to address the Business Roundtable's recommendation. For many years, APCC has collaborated with partners on numerous public education forums about this issue. In 2010, APCC co-sponsored the development of a report, "Comparison of Costs for Wastewater Management Systems Applicable to Cape Cod," to assist communities in making decisions about wastewater infrastructure. In 2012, APCC convened an environmental summit of all of Cape Cod's nonprofit environmental organizations. Two noteworthy findings of that summit were:

Nutrient loading of Cape Cod's groundwater, ponds, and coastal waters caused by human activity and waste is the region's number one environmental priority. Immediate action on the part of government, business, and every citizen across Cape Cod is necessary.

A regional wastewater plan would encourage and enable communities to work cooperatively with each other to reach and maintain total maximum daily loads (TMDLs) of nutrients and/or other objective water quality criteria for each watershed.

APCC recommends to the Secretary that the town of Harwich specifically address compatibility of the subsequent Draft or Final CWMP with the Regional Clean Water Act Section 208 Water Quality Management Plan currently in development. We understand that this might cause some delay for Harwich but this action is certainly within the environmental interest of the region and the Commonwealth.

Moreover, APCC recommends that Harwich address the following concerns:

1. Within the subsequent draft or final EIR, the town should include a consistency chapter following the Guidance for Cape Cod Commission Review of Local Wastewater Management Plans detailing consistency of the local plan with the Regional Wastewater Management Plan (RWMP) and the Regional Policy Plan (RPP).
2. Harwich is to be lauded for its cooperation with its neighbor Chatham, as described in the Draft CWMP. However, other narrative in the EENF indicates that Harwich is waiting for its other neighbors that share common watersheds with the town to act first. "As the Towns of Brewster and Dennis further develop their wastewater programs, other regional opportunities may develop for Harwich which fully supports the concept." (DCWMP 13-17.) Harwich should be required to coordinate activities with all of its neighbors instead of waiting for the other towns to initiate coordination with Harwich.
3. APCC has been engaged in some preliminary analysis of the impact of sea level rise on groundwater elevation. Groundwater infiltration is the number one cause of Tile 5 system failure. Harwich should provide some analysis of the groundwater elevation and septic system locations for the area of town south of Route 28 in order to determine the probability of increased septic system failure in this area of town. An increased rate of failure in this area would necessitate readjusting phasing and overall priorities.
4. APCC supports adaptive management as a flexible and pragmatic model to embrace in wastewater treatment. However, documented failures of adaptive management across the country dictate a cautious and measured approach. Literature supports that all too often, adaptive management is either simply a buzzword, or utilized as a means to protect bad decision-making. APCC recommends that performance-based goals and early intervention be used as hallmarks to achieve a successful adaptive management plan. In order to better manage the project, nitrogen, phosphorus and emergent contaminant data needs to be collected throughout the process. APCC recommends an intense monitoring program be established to identify any unanticipated impacts, and that it include automatic steps such as growth and flow controls.

5. Lastly, Harwich has identified a number a so-called soft or non-infrastructure solutions. The draft CWMP has identified a potential overall savings of nearly \$50 million dollars. However, so far the town has shown an inability to carry out and implement these solutions, e.g. land use and zoning changes for East Harwich, which is in the Pleasant Bay watershed. The town should provide an implementation plan for these land use changes and other non-infrastructure solutions, including timetables, how to measure success, and sources of revenue to implement the programs described in the draft CWMP.

These recommendations should be considered as applicable to all Cape Cod CWMPs and are not focused solely upon Harwich. APCC thanks the Secretary for this opportunity to comment.

Sincerely,



Ed DeWitt
Executive Director

cc: Cape Cod Commission
Harwich Board of Selectmen