

June 1, 2018

Hon. Martin Suuberg
Commissioner
Massachusetts Department of Environmental Protection
1 Winter Street
Boston, MA 02108

Re: Application by the Towns of Brewster, Chatham, Harwich and Orleans for a Watershed Permit to undertake nitrogen reduction measures in the Pleasant Bay

Dear Commissioner Suuberg:

Acting under authorization by our respective Town Meetings, we the undersigned Boards of Selectmen/Select Board of Brewster, Chatham, Harwich and Orleans, submit this letter of application for a Pleasant Bay Watershed Permit to be issued by Massachusetts Department of Environmental Protection (MassDEP).

The four towns share the watershed of Pleasant Bay, which is a state-designated Area of Critical Environmental Concern (ACEC), and have formed the Pleasant Bay Alliance (Alliance) to coordinate a Resource Management Plan (RMP) for the ACEC and watershed. The RMP, which has been approved by Town Meetings of the four member towns and by the Secretary of the Executive Office of Energy and Environmental Affairs, identifies excessive nitrogen loading from watershed surface and groundwater sources as a primary threat to the health and sustainability of ACEC resources. In response to this threat, the Alliance and member towns participated in the development of a Massachusetts Estuaries Project Technical Report for Pleasant Bay (2006). The technical report served as the basis for MassDEP's establishing 19 Total Maximum Daily Loads (TMDLs) for Total Nitrogen in Pleasant Bay, which call for substantial reductions in watershed nitrogen loads.

Each of our towns have established or are in the process of preparing a plan to address its share of responsibility for reducing the amount of nitrogen flowing into Pleasant Bay from watershed sources. Through the Alliance, the towns have worked together to understand the full effect of the four individual town nutrient reduction plans for Pleasant Bay, and to identify and pursue efficiencies in monitoring, modeling and implementation. A result of this collaboration is the *Pleasant Bay Composite Nitrogen Management Analysis*, which the towns have adopted as an accurate representation of each town's share of nitrogen load and responsibility for load removal. The nitrogen removal technologies identified in the town plans and summarized in the Composite Analysis include a combination of traditional and non-traditional nitrogen reduction approaches to be implemented over forty years.

The Alliance and member towns were invited by MassDEP to participate in a Watershed Permit Pilot Project in order to fully examine the requirements and benefits of entering into such a permit. Based on the pilot project, the Towns' find

that it is in their mutual best interests to jointly execute a Watershed Permit for the following reasons: (1) a Watershed Permit will allow more flexibility to achieve TMDL compliance by providing a MassDEP-accepted framework of nitrogen mitigation measures beyond a traditional MassDEP-issued groundwater discharge permit; (2) a Watershed Permit will recognize community efforts to achieve compliance with the Clean Water Act through non-traditional nitrogen management approaches; (3) the Watershed Permit will support the towns' applications for State Revolving Loan Fund (SRF) financing for non-traditional technologies and be given higher priority for SRF financing for both traditional and non-traditional technologies for qualified projects; (4) the Watershed Permit will provide an assured procedure for documenting nitrogen removal credits toward TMDL compliance; and (5) the Watershed Permit will allow communities to demonstrate they are undertaking a MassDEP approved framework of actions to address water quality impairment and excess nitrogen in the Pleasant Bay watershed and in so doing obtain forbearance from MassDEP enforcement efforts intended to compel action to address water quality impairment and TMDL compliance.

Accordingly, the Towns have undertaken the following actions necessary to obtain a Watershed Permit:

1. Obtained authorization from our respective Town Meetings to execute an Intermunicipal Agreement (IMA) for the purposes of applying for and entering into a Pleasant Bay Watershed Permit. The IMA designates the Alliance to coordinate joint activities under the permit. An executed copy of the IMA is enclosed with this application;
 2. Developed a Pleasant Bay Targeted Watershed Management Plan (TWMP) which documents the measures each town intends to undertake to reduce its share of nitrogen load in the Pleasant Bay watershed and when those removals will occur. A copy of the (TWMP) is enclosed;
 3. Obtained a written determination from the Cape Cod Commission confirming that the Pleasant Bay TWMP is consistent with the requirements of the Cape Cod Water Quality Management Plan Update (208 Plan Update). A copy of the consistency determination is enclosed;
 4. Obtained necessary certificates from the Massachusetts Environmental Policy Act (MEPA) Office documenting that all MEPA requirements have been met for their respective comprehensive wastewater/nutrient management plans (CWMPs). The MEPA certificates issued to the Towns of Chatham (EOEA #11510), Harwich (EEA #15022), and Orleans (EOEA #14414) encompass implementation activities presented in the TWMP. It is noted that Orleans is currently seeking to amend its approved CWMP. In consideration of the 208 planning process, the amended CWMP will incorporate non-traditional nitrogen mitigation approaches not originally contemplated in the approved Orleans CWMP. The Town of Orleans will file a Notice of Project Change (NPC) for the amended CWMP as necessary; the other towns will likewise file NPC's for any proposed
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future changes as needed. Nutrient management activities proposed by the Town of Brewster do not trigger MEPA review.

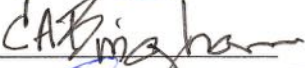
It is our understanding that this letter and enclosed attachments fully satisfy the application requirements for a Watershed Permit. However, if additional information is required to complete this application or to assist with your review of our request, please contact Carole Ridley, Alliance Coordinator, at 508-430-2563, or cr@ridleyandassociates.com.

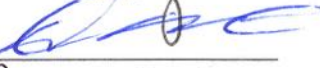
Thank you for your consideration of this application.

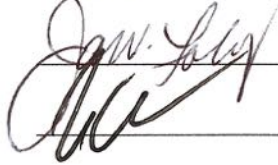
Sincerely,

Town of Brewster
By its Select Board

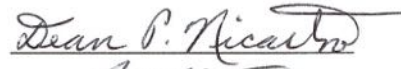








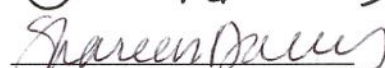


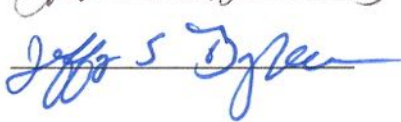
Town of Chatham
By its Board of Selectmen









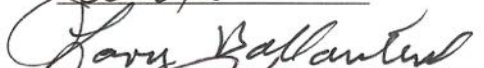





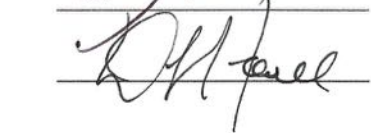
Town of Harwich
By its Board of Selectmen



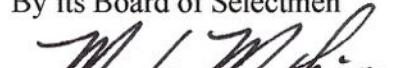





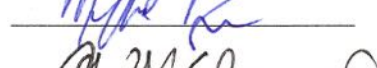


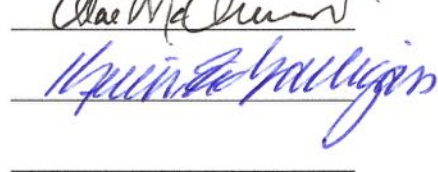


Town of Orleans
By its Board of Selectmen









Attachments

1. IMA
 2. TWMP
 3. Consistency Determination
 4. MEPA Certificates
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