

DENNIS WATER DISTRICT

Board of Water Commissioners

Minutes of Meeting held

April 6, 2023

A meeting, having been duly posted, was held on this date at the Stone Hearing Room, Dennis Town Hall, 685 Route 134, South Dennis and called to order by Paul F. Prue, Chair, at approximately 10:00 AM. Water Commissioners Peter L. McDowell and Robert M. Perry were present. Also present were David Larkowski, Superintendent and Sheryl A McMahon, Treasurer.

The Pledge of Allegiance was recited.

Chair Prue announced his intention to seek re-election as Water Commissioner. He said he was focused on the potential impact of wastewater in the Town.

Discuss And Consider a Scope of Services for Hiring a Consulting Firm to Review and Make Recommendations Regarding the Town of Dennis Site 2 Hydrogeologic Evaluation Report.

Mr. Larkowski introduced Maura Callahan of Callahan Consulting. The discussion will be focused on the Town of Dennis' report on a potential treated effluent discharge point known as the "Site #2 Report". An additional scope of work agreement has been provided to the Board members for their consideration. After Ms. Callahan's initial review of the report, there are additional questions. The Town has five sites for consideration. One site is over at the Transfer Station, which is out of the District's Zone II while the others are within the water recharge areas except for Site 2. However, Site 2 is very close to Zone II for Wells 5 and Main Station and there are concerns about its potential impact on the water supply. Sites 3, 4 and 5 are planned as discharge points at some point within the anticipated 40-year planning period.

Mr. Larkowski said that the planned treatment is for Nitrogen removal, but what the District needs to be concerned about is what is not going to be removed. One concern is PFAS. The current testing level is at 20 parts per trillion, but a lower level of 4 parts per trillion is currently under consideration. Site 2 is being considered for a million gallons a day of discharge. It calculates into the equivalent of thousands of homes being discharged on a single site. The Site 2 Report has scenarios run where a million gallons a day was discharged and simulated the pumping to see if that discharged would be drawn into the wells. Mr. Larkowski questioned the pumping numbers used in the model. The scenario results do not appear to be factual, and he believes they are false. He believes that some of the data needs to be revised. CDM Smith never asked the District for any information regarding pumping. It appears that they might have used historical pumping data but did not use the permitted pumping capacity. He noted that they had not run extreme-case models. Mr. Larkowski acknowledged that there are some members of the Board that just want to say "no" to wastewater. He said the Town is moving forward with it and we need to hire Maura to find out if the report is honest or it needs to be revamped. It may be that the Town does not help find these answers and we might have to find the answers ourselves. He advised that the report says if a well is polluted, the Town will have it treated. However, Mr. Larkowski said that by then it is too late. If we lose a well it could be years before it is back on line.

Mr. Larkowski introduced Ms. Callahan to the Board and noted that she was previously employed by Whitman and Howard and has done hydrogeological work for the District before. She has done this type of work for many towns on the Cape as well as off. Ms. Callahan advised that once a discharge site is planned for outside a Zone II, the permit will not be reviewed by the Drinking Water Program of DEP [Department of Environmental Protection] for review. She spoke with Jim McLaughlin, head

of the southeast region, and he has not seen the report. She also spoke with the Cape Cod Commission, and they reviewed the site location only as it complies with the 208 Plan. She said that in her experience DEP does not seem to recognize that districts are outside of the town government. They assume that the town is working with the water department to solve the problem.

Chair Prue noted that Sandwich has had to shut down a well. Ms. Callahan said she is working with Sandwich, and they have discovered PFAS at every level of the well and they are currently constructing for treatment. She noted that Foxborough is putting in treatment at a cost of tens of millions of dollars and had to raise their water rates by some 13%.

Mr. McDowell said he has been involved in state and local governments for more than 58 years. He has a strong position and observations to share. He noted that Proposition 2½ is still in effect and that if DEP orders the Town to do this, they will have to pay for it, not us. He read his position aloud. He reviewed the Town's massive plan to collect the wastewater from about 2/3 of the toilets in town and then treat it at a single wastewater facility. He said the plan is to dump it in locations within the drinking water supply. He said it will be billions and billions of gallons forever. He noted that the proposed site is just a half mile north of some of our drinking water wells and that they should not be allowed to dump it there unless they can unconditionally guarantee that the dumping will never impair the quality of our drinking water. He believed there were just two options available. One was to take it and dump it out in the ocean as other municipalities have done or two, vote "no" at the Dennis Town meeting for any money to be spent on wastewater facility. He mentioned that CDM Smith was sued by two other municipalities and had to pay the Commonwealth millions of dollars. He has asked David Young of CDM Smith for data and has not received it. He said the Town has not shared the cost of constructing or operating the wastewater facility. He said it is time to put the heat on the Town of Dennis as they have not shared the data. Mr. McDowell said the grays should be eliminated and it should be a black and white decision. He noted that Barnstable dumped it in their harbor and Boston has done it also. He said this is probably the most serious and expense issues ever for the Town of Dennis.

Mr. Perry said the Town has been moving forward for years with planning a centralized sewer system. He said that DEP has essentially mandated an ultimatum in that nitrogen-sensitive estuaries that is going to push a large part of the Town to put in their own on-site treatment that will still leave everything and not even remove all the nitrogen. He said we, as a water district, are just beginning to educate ourselves about the discharge plan. Moving the discharge points down gradient of our Zone IIs would be critical. He commented that we are not the first entity in the country to have subsurface discharge of treated effluent. He said the issue is complicated and he was interested in what more Ms. Callahan had to say, and it is important for us to educate ourselves.

Mr. McDowell invited Mr. Perry to discover any Massachusetts municipality in which DEP has ordered them to put in a town-wide system. Mr. Perry responded by saying that in 1978 everyone had to put in subsurface disposal compliant with Title V. Mr. McDowell said that he did not believe DEP has ever ordered the disconnection of all the toilets in a town to then install a wastewater system.

Ms. McMahon, as minutes taker, advised the Board that they may be off-topic and referred the Board to their agenda item, which was to consider entering into the proposed contract. Mr. Perry agreed. Mr. McDowell did not and said he was not in favor of spending \$10,000, but rather focus on where we are with wastewater, and he did not think there was any violation of any open meeting law provisions to discuss what the consultant will be doing.

Mr. Larkowski said that Ms. Callahan is aware of some of the data lacking in the report, in particular is the pumping capacity of the wells. There was a brief discussion regarding a discharge point from Camp Edwards into the Cape Cod Canal. Ms. Callahan said that she has worked on the military base for decades.

Mr. Larkowski reiterated what was said earlier in that DEP is not looking at this discharge point as a concern about our drinking water supply. He said we need to hire Ms. Callahan to be our advocate and to find our way through the process, because currently we are not involved in it. He emphasized that the Town and CDM Smith have already submitted that site for permitting the discharge. There has been no public comment period on this permit. He believes we need to hire a consultant to get involved in the process. Mr. McDowell disagreed by saying that we should convince the voters of the Town of Dennis to vote “no” on any funding for wastewater. Mr. Larkowski said that that was an issue for Mr. McDowell and that his concern right now was the Site 2 intended discharge. There was a brief discussion regarding the CWMP [Comprehensive Wastewater Management Plan].

Mr. Larkowski asked Ms. Callahan to talk about the modeling that is contained in the report, emerging contaminants of concern and are we on the right track with our concerns. Ms. Callahan said that her firm has had a lot of experience with modeling, and they have worked with the USGS model used in the Site 2 report. They have made sub-regional models in many Cape towns including Chatham and Brewster. She said their field work and their analysis was good. However, her concern has been over what they used for the scenarios that were run and there are only a few. Her concern was that they used the historical pumping rates for the Main Station and Well 5 and were not done at their permitted pumping withdrawal capacities. She noted that the scenarios run only used .11 and .15 million gallons per day as opposed to what the combined permitted pumping at 1.65 million gallons per day. To accept the report, she said, would essentially be giving up about 1.4 million gallons per day; the equivalent of more than one well in the town. Mr. Perry noted that one of those scenarios was 100,000 gallons per day of discharge at maximum pumping and that that alluded to that in 1.8 years the particle path would encounter the wells. Ms. Callahan agreed. She asked to consider what if something happened to a different well and the District needed to increase the withdrawal at these two wells to their permitted capacity and the discharge was at a million-gallon a day? No one knows because that scenario was not run. She also noted that there were no scenarios run on build-out conditions that might be in the future.

Mr. McDowell asked Mr. Callahan for clarification on what “pumping” we were talking about and asked if it was additional pumping to be used for wastewater. Ms. Callahan explained that Site 2 is a proposed treated effluent discharge point adjacent to the delineation for Zone II for the Main Station and Well 5. She noted that there are a number of things left out of the report, one of which is sensitivity analysis. Ms. Callahan said that their consultant took the USGS model of the Sagamore lens and derived a subregional model area for Site 2 and added more data to make it more specific to Dennis. They did not specify what consideration they gave to the clay layer. They described the silt layer but did not say how. Mr. Perry asked if it would have been appropriate for the consultant to do more soil testing to see if there is a confined area that might provide a preferential route. Mr. McDowell described the history of the Cape’s geology. She recommended asking for additional data as well as having CDM Smith run additional model scenarios. Ms. Callahan asked what the District’s goals are. She said if the Town is required to move ahead with wastewater to meet EPA [Environmental Protection Agency] TMDLs [Total Maximum Daily Limits] and this Site 2 was the only option for discharge, there could be trade off by closing these wells and one option is to close these wells and build two new wells elsewhere in town that provide the same amount of water. Wastewater is not currently being treated for PFAS removal, yet water suppliers are being heavily regulated for it being in drinking water. She said there was no more time to waste in discussing this with the Town. Mr. McDowell reiterated his statement that the voters just say “no”. Ms. Callahan said

that the Town was further along in this process that the Board may have realized and that the District needs to advocate for itself because there was no regulatory agency advocating for the District. She shared that there were several things in the report that were done with the scenarios but were not adequately explained and questions to be asked. Mr. Larkowski said that what was incumbent on us to look at the report for Site 2 and to refine it to see if there is really a problem with it and share that with the public. He was hopeful that we could work with the Town on these issues. Mr. Larkowski said that Ms. Callahan will familiarize herself with Dennis, the CWMP and more on Site 2 and the proposed Sites 3, 4 and 5; to rework the models and find answers to the questions being asked. The exact title of the report is Dennis Site 2 Hydrogeological Evaluation Report. Mr. Larkowski said this was a scope of work is essentially phase one for the District and he felt that they would be needing Ms. Callahan for further work in the future. Mr. Perry said it was important to have someone on board that has familiarity with Cape Cod soils and the complexity of it and felt that this scope of work was of paramount importance and provide the Board with an educated motion. On a motion made by Robert M. Perry and duly seconded, the Board ***VOTED: 2-0-1 (PLM abstained) to entertain the Letter Agreement with Callahan Consultants as written and to authorize the Chair to sign on behalf of the Board.***

Vote and Sign the Annual District Meeting Warrant for April 25, 2023, 6:00 PM at the Dennis Senior Center.

Ms. McMahon advised that the warrant draft contains six articles. The warrant calls for the meeting to begin at 6:00 PM on April 25, 2023, at the Dennis Senior Center. She advised that the Annual Report is still being compiled and she would be working with the Chair on the Board's annual report. On a motion made by Robert M. Perry and duly seconded the ***Board UNANIMOUSLY VOTED: to sign the Annual District Meeting Warrant for April 25, 2023.***

On a motion made by Robert M. Perry and duly seconded the ***Board UNANIMOUSLY VOTED: to adjourn the meeting at approximately 11:10 AM***

Respectfully submitted,

Sheryl A McMahon, Clerk