

BARNSTABLE COUNTY ASSEMBLY OF DELEGATES

In the Year Nineteen Hundred and Ninety-Eight

Resolution 98-3

To protect the environment and economy of Cape Cod by promoting water quality in Massachusetts and Cape Cod Bays.

WHEREAS, Massachusetts and Cape Cod Bays are extraordinary natural systems that provide both economic and environmental value to the Commonwealth of Massachusetts and to Cape Cod. Any threat to the integrity of the bays is of critical importance to Cape Cod.

WHEREAS, The United States has highlighted the national significance of Massachusetts and Cape Cod Bays by:

- * designating the bays an Estuary of National Significance;
- * designating Stellwagen Bank as a National Marine Sanctuary; and
- * proposing the designation of eastern Cape Cod Bay as Critical Habitat for the right whale;

WHEREAS, Cape Cod Bay is habitat for many endangered and threatened species, including, but not limited to: Northern Right Whales; Humpback Whales; Fin Whales; Sei Whales; Blue Whales; Sperm Whales; Kemp's Ridley Turtles; Leatherback Turtles; and Shortnose Sturgeon;

WHEREAS, The Massachusetts Water Resources Authority (MWRA) seeks a National Pollutant Discharge Elimination System (NPDES) permit to discharge an annual daily average flow of 383 million gallons a day of partially and fully treated sewage effluent into Massachusetts and Cape Cod Bays, and the harbors and estuaries associated with Cape Cod Bay; and

WHEREAS, The residents of Barnstable County believe that the discharge of this amount of fresh water and effluent has the potential to affect the health and vitality of the Cape Cod Bay and Stellwagen Bank and Basin ecosystem. The draft NPDES Permit substantially addresses these potential effects by attaching and including monitoring and contingency plans, by providing for independent scientific review, and by calling for plume tracking, food web modeling and the creation of contingency simulations. In addition to these measures, the citizens of Barnstable County believe that the Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (MADEP) could minimize potential impacts of the outfall discharge by incorporating the following concepts in the NPDES permit.

NOW THEREFORE,

BE IT HEREBY RESOLVED that the Barnstable County Commissioners and the Barnstable County Assembly of Delegates:

Urge the EPA and the MADEP to take the following actions relative to the NPDES permit:

1. The NPDES permit should expressly state that Cape Cod Bay is a receiving water of the MWRA outfall discharge;
2. The NPDES permit should expressly allow for diversion of the discharge to Boston Harbor, consistent with the Contingency Plan;
3. The NPDES permit should expressly protect threatened species and the habitat of threatened and endangered species;
4. The NPDES permit should require the timely provision of information to the independent Outfall Monitoring Science Advisory Panel (OMSAP);

5. The NPDES permit should require the EPA and the MADEP to obtain comments from the OMSAP concerning changes to the monitoring and contingency plans;
6. The NPDES permit should expressly require contingency simulations and modeling of farfield effects (including Cape Cod Bay and Stellwagen Bank and Basin), focusing on red tides, endangered and threatened species and their habitat, and effects on commercial and recreational fin fishing, shell fishing, and aquaculture;
7. The NPDES permit should require quarterly reporting under the Contingency Plan, instead of annual reporting.

The foregoing resolution was adopted by the Assembly of Delegates, with Delegates representing 93.03% of the population of Barnstable County present and voting, 71.09% voting yes, 21.94% voting present, at a regular meeting held on April 15, 1998.

Attested by:



Diane C. Thompson, Clerk
Assembly of Delegates

The foregoing Resolution was endorsed by the Barnstable County Board of County Commissioners, _____, May 13, 1998.

