

Written by David Still II

Barnstable officials met with representatives from the Conservation Law Foundation last week to talk about the town's plans and progress on its wastewater management plan.

The meeting came at the request of CLF, which is meeting with four Cape communities on the general subject of wastewater management.

Klimm said that the meeting mostly entailed technical questions about the town's wastewater plans and efforts to date.

There has been much speculation that CLF could initiate a lawsuit in some fashion under the federal Clean Water Act to clean up coastal pollution from residential septic system discharge. As for CLF's intentions, Klimm said that the only mention of legal action came toward the end of the meeting, and was brought up by CLF officials in what he characterized as a passing comment.

The indication was that legal action was neither on nor off the table.

Klimm said that the meeting was not threatening in any way in that regard, but agreed that just what CLF intends to do with the information it's collecting is unclear.

CLF to Speak at Three Bays Annual Meeting

Perhaps more answers will come at the Sept. 10 meeting of Three Bays Preservation Inc., where CLF staff attorney Cynthia Leibman is the expected speaker.

Three Bays executive director Lindsey Counsell said that his organization has a lot of questions about what CLF may or may not be planning.

"I hope they have a little more detail on what they're planning," Counsell told the *Patriot*. "It's something they've been ruminating about for some time."

He hopes there's a good exchange between Three Bay members and CLF representatives. There remain questions about CLF's ability to bring suit under the Clean Water Act because the legislation was initially designed to handle point source, or easily identifiable sources, such as discharge pipes. Counsell's not sure whether the combination of septic systems discharge that eventually makes it to the bays qualifies.

"Are we a point source discharge? Has that question been answered?" Counsell asked.

He pointed to this week's special town council meeting, at which a discussion on possible reconsideration of the Stewart's Creek sewer project was on the table. That meeting was required through a citizen petition effort and is likely going to be on the Nov. 3 election ballot for a final determination by town voters.

Counsell agreed that such a process could represent a political hurdle to funding any sewer project in town, which could in turn mean that a court order is the only way to implement such projects.

"Where do we go from here in Barnstable and do we want a federal judge making those decisions for us," he asked. "I don't think that those folks understand all of the nuances of that. I don't think I understand all of the nuances of that."

The Three Bays annual meeting will be held from 5:30 to 7:30 p.m. Sept. 10 at the Wianno Yacht Club in Osterville. For more information, log on to 3bays.org.