

Written by David Still II

When does the Conservation Law Foundation plan on heading to court to force the issue of wastewater management on Cape Cod?

“Soon.”

That was CLF staff attorney Cynthia Liebman’s response to a question at the Sept. 10 annual meeting of 3 Bays, Inc., held at the Wianno Yacht Club in Osterville.

After a presentation that provided a background on the CLF’s work studying the effect of nitrogen loading from septic systems on Cape estuaries, a 3 Bays member asked, “It seems to me that the nitrogen problem has been evaluated to death ... When are you going to court?”

Liebman responded: “Well, I wish I had a clearer answer that I can give you right now, but I’m going to have to be ... a bit vague, and I will say, soon.”

What remains unclear is just what form such action would take and who would be named.

“We do definitely feel ... a sense of urgency now that the Estuaries Project is out; that the pollution budgets have come out. We believe it is time for implementation to happen and that the Cape is insufficient so far,” she said.

Also speaking to the 80 or so attending the meeting was Dr. Brian Howes of UMass Dartmouth, who heads up the Massachusetts Estuaries Program (MEP). It is the work of his team that is determining the total maximum daily loads (TMDLs) for nutrients such as nitrogen in Massachusetts embayments.

The TMDLs as determined through this process serve as the scientific basis for what needs to be done to clean up coastal waters. Responding to a question at the end of the meeting, Howes said that a key aspect of the Estuaries Program was to provide communities enough options to determine the best course in addressing the nutrient loading standards.

“The technical people worked very hard to make sure there was real freedom for the communities to pick the way they wanted to operate,” Howes said. “As long as they hit the target, as long as the system’s restored in a timely manner, then we’re all happy and we go home.”

The flip side is that some of those freedoms may be lost if a legal process takes hold, Howes said.

“If it takes a stick to make us go there and get out attention, that’s not a bad thing,” Howes said.

Liebman said that CLF understands that any remedy, whether voluntary or mandated, will take time.

“CLF does have a sense of urgency that now is a critical moment for the estuaries on Cape Cod, including Three Bays,” Liebman said.

In her presentation, Liebman described CLF’s understanding of the roles of the different layers of government that have a part in managing wastewater, including individual communities, the Cape Cod Commission, the Massachusetts Department of Environmental Protection and the federal Environmental Protection Agency.

While the focus has been on the towns, she said CLF believes these other agencies need to be involved.

“CLF is of the view that there are a number of other entities that should be at the table, that we need all hands on deck,” Liebman said, later adding “There will be difficult questions of what the appropriate roles are

for all these players, but that's something that CLF is actively looking at," Lieberman said.

Read more in Friday's edition of The Barnstable Patriot