

SENATE NO. 1181

AN ACT ESTABLISHING THE CAPE COD WATER PROTECTION COLLABORATIVE

*Be it enacted by the Senate and House of Representatives in General Court assembled,
And by the authority of the same, as follows:*

1 SECTION 1. There shall be a Cape Cod Water Protection Collaborative which shall be the regional
2 wastewater infrastructure management and planning entity for Cape Cod and shall have the
3 responsibilities, duties, and powers established under this act in Barnstable county. The collaborative
4 shall be the regional wastewater management agency for Cape Cod in accordance with applicable laws
5 and regulations as provided in this act. The collaborative shall be an agency within the structure of
6 Barnstable county government under this act, and shall operate in accordance with Barnstable county
7 administrative and budgetary procedures.

8 SECTION 2: Each of the towns in Barnstable County shall be eligible to join the collaborative and
9 may become a member town by vote of the board of selectmen of that town. The board of selectmen
10 of each town in Barnstable County shall appoint a representative for that town to sit on the governing
11 board of the collaborative. The Barnstable county commissioners shall appoint 2 at-large
12 representatives to serve 2-year terms as members of the governing board. The governor shall appoint
13 1 representative of the department of environmental protection and 1 representative of the department

14 of housing and community development. Based on subsequent governing board policy, members will
15 be appointed to staggered multi-year terms of service. If an even number of governing board members
16 results from this process, the commissioners shall appoint an additional representative, thus permitting
17 majority vote decision making. The governing board shall establish policies for fulfilling the mission,
18 goals and objectives of the collaborative, and it shall endeavor to support a regional wastewater
19 management plan and the comprehensive wastewater management plans of member towns.

20 SECTION 3: The steering committee, a 5-member executive management body, shall be in session as
21 often as needed between regular meetings of the full governing board in order to provide timely policy
22 direction and to take decisive management actions as needed. Three members of the steering
23 committee shall be appointed by the governing board from within its member towns, and the other 2
24 steering committee members shall be the same individuals appointed to the governing board by the
25 commissioners. The chairperson of the governing board shall also serve as chairperson of the steering
26 committee.

27 SECTION 4: The governing board shall also adopt regulations and procedures for administering the
28 activities of the collaborative, and it shall prepare and submit an operating budget annually to the
29 commissioners for inclusion in the omnibus Barnstable county budget. The collaborative shall be
30 funded in accordance with the procedures established by the Barnstable county home rule charter, and
31 in accordance with this act. A budget proposal reflecting anticipated revenues and expenses for the
32 following fiscal year shall be submitted annually in accordance with Barnstable county administrative
33 and budgetary procedures.

34 SECTION 5: The governing board and steering committee shall routinely consult with and receive
35 support from a technical advisory committee for research regarding wastewater technologies, and for

36 engineering and technical assistance on wastewater system capabilities, development, operation and
37 maintenance. The commissioners shall appoint persons with requisite scientific and engineering
38 credentials in wastewater systems management or related fields of experience to serve as members of
39 the technical advisory committee.

40 SECTION 6: The daily operations and activities of the collaborative shall be managed by an executive
41 director on behalf of the governing board and its steering committee. The steering committee shall
42 search for and screen candidates for the position of executive director and recommend the most
43 qualified one to the commissioners through the governing board for appointment. The executive
44 director shall be in attendance and shall report on all matters affecting the collaborative to the steering
45 committee and the governing board when these bodies are in session.

46 SECTION 7: Upon approval by the local board of selectmen, each town admitted into the collaborative
47 shall be eligible to apply for a planning grant of not more than \$50,000 for the purposes of crafting a
48 comprehensive wastewater management plan or significantly modifying its existing comprehensive
49 wastewater management plan. These funds shall be included in the annual budget proposal as
50 established in this act.

51 SECTION 8: The collaborative shall have those powers necessary and convenient to carry out this act,
52 including but not limited to the following powers, in addition to the regulatory and planning powers
53 contained in this act:

54 a) The collaborative shall develop regional wastewater management plan for Cape Cod consistent with
55 the regulations of the department of environmental protection and assist member towns in developing
56 town comprehensive wastewater management plans consistent with the regional wastewater
57 management plan, with a focus on inter-municipal agreements over shared resources and watersheds.

58 b) The collaborative shall provide planning grants under Barnstable county to assist member towns in
59 crafting regionally-consistent, watershed-based, wastewater management plans.

60 c) To be eligible for additional support, the collaborative shall approve or deny comprehensive
61 wastewater management plans submitted by individual towns, depending on compatibility with the
62 regional wastewater management plan and adherence to the collaborative mission.

63 d) The collaborative shall administer 20 per cent of the state revolving loan fund as established in this
64 act for member towns of the collaborative with a comprehensive wastewater management plan
65 approved by the collaborative

66 e) The collaborative shall approve or deny checkerboard sewer applications to wastewater
67 infrastructure projects by member towns across Cape Cod, as established in this act, consistent with
68 the regional wastewater management plan of the collaborative and town comprehensive wastewater
69 management plans.

70 SECTION 9: Section 6 of chapter 29C of the General Laws, as appearing in the 2004 Official Edition,
71 is hereby amended by inserting after the words “2 per cent”, in line 34, the following words:-

72 , but all permanent loans and other forms of financial assistance made by the trust to finance the costs
73 of water pollution abatement projects on the department’s intended use plan for calendar year 2007
74 and any subsequent calendar year that are undertaken by the Cape Cod Water Protection Collaborative
75 shall provide for a subsidy or other assistance in the payment of debt service such that the loans and
76 other forms of financial assistance shall be the financial equivalent of a loan made at a zero rate of
77 interest, and the costs of water pollution abatement projects on an intended use plan that are eligible
78 for a permanent loan or other financial assistance from the trust at the financial equivalent of a loan
79 made at a zero rate of interest shall not exceed 20 per cent of the total costs of all water pollution
80 abatement projects on the intended use plan.

81 SECTION 10. Section 18 of said chapter 29C, as so appearing, is hereby amended by inserting after
82 the words “2 per cent”, in line 131, the following words:-
83 , but all permanent loans and other forms of financial assistance made by the trust to finance the costs
84 of water pollution abatement projects on the department’s intended use plan for calendar year 2007
85 and any subsequent calendar year that are undertaken by the Cape Cod Water Protection Collaborative
86 shall provide for a subsidy or other assistance in the payment of debt service such that the loans and
87 other forms of financial assistance shall be the financial equivalent of a loan made at a zero rate of
88 interest, and the costs of water pollution abatement projects on an intended use plan that are eligible
89 for a permanent loan or other financial assistance from the trust at the financial equivalent of a loan
90 made at a zero rate of interest shall not exceed 20 per cent of the total costs of all drinking water
91 projects on the intended use plan.

92 SECTION 11: Section 3 of chapter 83 of the General Laws, as appearing in the 2004 Official Edition,
93 is hereby amended by adding the following paragraph:-

94 The board or officers may deny this application for member towns of the Cape Cod Water Protection
95 Collaborative if the town has a comprehensive wastewater management plan that provides for only
96 certain estates to be served by common sewers and if the land is not included among the estates to be
97 served.