

Dear ZBA Chair and Members:

During the November 12 ZBA public hearing, we requested an opportunity to bring to the Board's attention several matters of serious and immediate concern relating to the health and safety of the Pond Village Watershed community. The Board requested that, by November 20, we provide you with a list of these topics for discussion, including several areas of concern we have posed during earlier public hearings that remain unaddressed. These topics, as we have been able to analyze them to date, are set forth below:

Issues raised in the Cape Cod Commission's November 3 letter (and by Pond Village in earlier letters) as yet unaddressed by the applicant (and as elaborated in additional topic areas that follow).

- Additional improvements to effluent nitrogen through treatment system optimization and/or enhancements to stormwater treatment on-site required to bring the project's site wide nitrogen loading below the Cape Cod Commission's 5 mg/L planning standard.
- Requirements for effluent and groundwater monitoring at the property boundary
- Sufficiently rigorous contingency plan.
- Sufficiently rigorous operations and maintenance agreement.
- Cape Cod Commission attention to matters of health.

Selection of the proposed Small Wastewater Treatment Plan (SWWTP)

- Is the BioMicrobics HSMBR 9.0-N the best possible solution for an SWWTP for the project? (Asked on November 5 but not answered). If so, why?
- What criteria were used to select the proposed system?
- The system is now in Piloting status. What are the implications of that, i.e., when does that status expire, and what is the plan moving forward should MassDEP find insufficient merit in moving the BioMicrobics HSMBR 9.0-N system from piloting to provisional and then to general use?
- Can the applicant clarify how it has extrapolated performance of the system under the proposed site and influent load conditions of the Cloverleaf development from performance of the three similar systems identified by Horsley and Whitten?
- The Westport site due diligence information was not provided and should be.
- Evidence of additional sites with the HSMBR technology and provision of performance data at those sites.

Pond Village health projection components

- Effluent downgradient modeling has not been provided that shows the impact on groundwater in Pond Village, including residences and Pilgrim Pond.
- Impact on Pond Village Residents' health, given pre-existing conditions known to the Town.

SWWTP post-installation

- Will a performance bond be required specific to the SWWTP?
- What aspects of a contingency plan will the ZBA review when considering relevant waivers?
 - Who is responsible for authoring the contingency plan?

- What parties are responsible for ensuring that the contingency plan, once written, is implemented?
 - What are the procedures for incident reporting and resolution?
- Projected life of proposed I/A system
 - What is the projected lifespan of the HSMBR system?
 - What is the proposed plan for the inevitable replacement(s) of the proposed system during the 99-year life of the project?
- Can the applicant describe the ongoing testing requirements for the pilot system, and clearly identify the party that will bear this cost?
- Operations and maintenance (O&M) plan
 - Who is responsible for authoring the O&M plan?
 - Who is responsible for ensuring that the contingency plan, once written, is implemented?
 - What criteria will be used to select an RME (responsible management entity)?
 - Operational viability of the HSMBR system under varying seasonal temperature regimes?
 - Performance of the system under variable influent conditions (e.g., BOD, total suspended solids [TSS], nitrogen inputs, etc.)?
 - What is the projected performance of the system under various loads and levels of use? e.g., seasonal impact on performance.

Due diligence on SWWTP vendor

- What due diligence will the ZBA consider with respect to Biometrics as a manufacturer and parts supplier for the proposed I/A system during the lifespan of the project?
- What is Biometrics' role with respect to the maintenance of the SWWTP for the 99-year duration of the project?
- What is the applicant's plan for system component replacement, should BioMicrobics discontinue the HSMBR 9.0-N model, or discontinue business operations?
- **Aspects of the SWWTP design**
 - Soil absorption system
 - Reserve area grade and accessibility

In a spirit of community participation and cooperation, we request that you reserve up to 30 minutes on your agenda to take stock of where we are in this process as it relates to our questions and overarching concern for the health and safety of residents of the Pond Village watershed.

Respectfully,

Members of the Pond Village Watershed Community