

Will Wastewater Plan Satisfy New Septic Regs?

by **Tim Wood**

CHATHAM – Officials are hoping to convince the state department of environmental protection that the town’s comprehensive wastewater management plan, which covers nearly the entire community, should serve as a watershed permit under proposed revisions to Title 5 septic regulations.

Draft state Department of Environmental Protection regulation will require homeowners in watersheds to nitrogen-sensitive coastal waters to upgrade septic systems within five years to limit nitrogen, with the goal of improving water quality in the commonwealth’s bays and estuaries. Officials in towns on the Cape and throughout the region say this will be a major expense for homeowners and stress the capacity of engineers and installers to design and build new systems.

Under the regulations, communities can avoid the need for owners to upgrade septic systems by obtaining watershed permits that provide a roadmap for cleaning up coastal waters over 20 years.

In comments now being prepared prior to the Jan. 30 deadline, Chatham officials will argue that the town’s wastewater management plan, approved by the state in 2009, should serve as a de facto watershed permit.

“We should not have to go out and do something new, and residents of Chatham shouldn’t have to face the issue of putting in an [innovative/alternative] system in five years,

Portions of the town are already covered by the first watershed permit issued by the state. In 2018, the Pleasant Bay Alliance won approval for a plan that covers the portions of Chatham, Brewster, Harwich and Orleans that are part of the Pleasant Bay watershed. The permit includes a targeted watershed management plan that describes the steps each town will take to remove its share of nitrogen, according to Alliance Coordinator Carole Ridley. The permit can be modified in five-year increments based on new information and nitrogen reduction performance, she added; how the new watershed permit regulations might impact this is one area the Alliance is exploring.

“We are trying to understand what the requirements will be for proposing modifications to the existing permit under the new regulations and gaining DEP acceptance of those changes,” she wrote in an email.

The draft regulations are designed to speed up the process of reducing nitrogen pollution in coastal waters, according to DEP. Excessive nitrogen, chiefly from home septic systems, impacts many embayments on the Cape, impairing water quality and reducing habitat for fish and shellfish. This also has an economic impact. “The Cape Cod seasonal economy relies on the water that surrounds the region and the degraded water quality is negatively impacting important economic drivers including coastal property values. Restored coastal water quality is an environmental and economic imperative,” according to a Cape Cod Commission study.

officials’ concerns. The first is the requirement that homeowners upgrade septic systems in nitrogen-sensitive areas in watersheds draining into estuaries subject to federal Environmental Protection Agency-approved nitrogen limits, or where it has been scientifically demonstrated that an estuary is impaired by nitrogen. Thirty watersheds on the Cape fall into this category, according to the agency. Unless towns obtain watershed permits, within five years new septic systems must include enhanced nitrogen treatment, and existing systems must be upgraded to that level of treatment.

The second change formally establishes 20-year watershed permits based on long-term wastewater plans that will meet water quality goals “and provide communities the opportunity to utilize a range of approaches, including centralized sewer treatment and innovative approaches,” according to a June 1 DEP letter to local communities. In nitrogen-sensitive areas covered by a watershed permit, individual homeowners would not be required to upgrade septic systems.

On the Cape, which is covered by a Section 208 water quality management plan overseen by the state, the new regulations would become effective once they are promulgated by the agency, which could be as soon as this spring.

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only to have the sewer come through in a couple of years,” said Health and Natural Resources Director Robert Duncanson. Two regulatory changes are at the heart of local

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Chatham’s wastewater plan covers 95 percent of the community, mapping out a 30-year approach to installing sewers and addressing nitrogen impairment in the town’s coastal waterways. Sewers have already been installed addressing much of the area in the Stage Harbor estuary, and work is now underway on sewers along Morton Road and Route 137, as well as construction of pump stations on Route 28 in South Chatham and on Queen Anne Road.

“We’re still plugging away at it,” Duncanson said, adding that although the schedule has slipped a bit due to the pandemic, in another eight or so years the majority of the areas that contribute to nitrogen impairment of the town’s coastal estuaries will be sewerred.

Chatham is considerably ahead of most Cape towns in implementing its wastewater management plan, he said. Considering the cost, in the hundreds of millions of dollars, “progress is being made,” even if it isn’t at a pace that some conservationists would like to see, Duncanson said. Funding from the federal infrastructure bill may help speed up things. “I think you’ll see some of this stuff move along a little bit more quickly” when that money becomes available, he said.

In its frequently asked questions on the draft

regulation, DEP says that the watershed permits won’t impact local wastewater plans. “The Watershed Permit Regulations are intended to be flexible and accommodate ongoing initiatives to the extent practicable and consistent with the regulations,” the agency asserts.

Last summer DEP sought out local officials’ opinions on the draft regulations and was told that the five-year period for homeowners to upgrade systems was “ridiculous,” said Duncanson. “There aren’t enough engineers and installers to change all the septic systems on the Cape to nitrogen removal [systems] in five years.”

Officials also told the agency that the draft regulations may be seen by residents as a betrayal of sorts. In towns like Chatham that have approved wastewater plans, homeowners were told that as long as septic systems are functioning, they would not need to be upgrade as long as there was a plan to install sewers.

“DEP has been hearing that loud and clear,” Duncanson said.

And as long as towns continue to work toward compliance with the Pleasant Bay watershed permit, the proposed regulation requiring septic system upgrades should not apply to homeowners within the watershed, said Ridley.

DEP has held several public information sessions on the draft regulations, videos of which are available at the agency’s website. Two additional information meetings will be held on Jan. 17 and 18 at 6:00 p.m. The Jan. 17 session will be remote, while the Jan. 18 meeting will be hybrid.

Two remote public hearings will also be held later this month, on Jan. 24 and 25, both at 6 p.m. Information on registering both both the information meetings and the public hearings is available at www.mass.gov/info-details/massdep-publichearings-comment-opportunities. The deadline for submitting written comments on the draft regulation was extended from Dec. 16 to Jan. 30. Written comments must include the name and contact information of the person providing the comments and can be emailed to dep.talks@mass.gov; include “Title 5 and Watershed Permit” in the subject line.

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