



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

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## Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

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September 14, 2023

Town of Bourne  
Attn: Marlene McCollem, Town  
Administrator  
24 Perry Avenue  
Buzzards Bay, MA 02532-3441

RE: **BOURNE – BWR WW**  
Watershed Regulations and  
Revised Title 5 Regulations

Dear Ms. McCollem,

*Marlene*

As you know, the Massachusetts Department of Environmental Protection (MassDEP or the Department) has recently promulgated Watershed Permitting regulations (314 CMR 21.00) and revised Title 5 regulations (310 CMR 15.000) to address nitrogen pollution affecting the estuaries and embayments of Cape Cod. The Department received valuable input on the draft regulations which led to changes in the final regulations, such as providing towns with greater flexibility under the Watershed Permit, providing for a De Minimis load exemption from the Watershed Permit regulations and adjusting timeframes for adding enhanced nitrogen removal to septic systems. Please see the [Table of Revisions in Response to Comments](#) for a complete listing of changes made from draft to final.

I also wanted to highlight the following timeframes that are part of the final Title 5 regulations:

- The **Notice of Intent and Application Period** begins upon designation of an area as a Natural Resource Area Nitrogen Sensitive Area (NSA) and ends two years from that date. During this time the municipality can submit a Notice of Intent (NOI) to pursue a Watershed Permit. It should be noted that a community may apply directly for a Watershed Permit or De Minimis Load Exemption without submitting an NOI.
- If an NOI or application for Watershed Permit or De Minimis Nitrogen Load Exemption is not filed, the requirement to upgrade **existing Title 5 systems** would start at the end of the two-year NOI Period and end five years from that date.
- The requirement to utilize enhanced nitrogen removal systems for **New Construction** begins six months after the effective date of the NSA designation, if no NOI or application for a Watershed Permit or De Minimis Load exemption is filed.

For the Cape Cod towns that currently have a final nitrogen Total Maximum Daily Load (TMDL), the NSA designation date is the same as the date the regulations were promulgated, July 7, 2023. For these towns:

- The NOI period has started and will run until **July 7, 2025**;
- The requirement for enhanced nitrogen removal systems for new construction will begin **January 8, 2024**; and
- The requirement for existing septic system upgrades will commence **July 8, 2025**.

For information on current nitrogen TMDLs please use the TMDL Viewer found here: [MassDEP TMDL Viewer \(arcgis.com\)](#)

For information on Natural Resource Area NSAs on Cape Cod please use the NSA Address Lookup Map found here: [Nitrogen Sensitive Areas Address Lookup \(arcgis.com\)](#)

MassDEP has been working closely with the Cape Cod communities as they develop and implement plans to address water quality challenges and will continue to work with each community as it moves toward the implementation of its Wastewater Management Plan (either Targeted or Comprehensive). I want to extend an invitation for you and appropriate officials in your community to meet with MassDEP to discuss issues and answer any questions you may have. Please contact Gerard Martin, Deputy Regional Director for the Bureau of Water Resources in MassDEP's Southeast Regional Office at [gerard.martin@mass.gov](mailto:gerard.martin@mass.gov) or (857) 207-0640 to schedule a meeting with MassDEP.

Lastly, MassDEP will be updating and maintaining the Question and Answer document: <https://www.mass.gov/doc/310-cmr-15000-314-cmr-2100-frequently-asked-questions-61623/download> and all other information posted on the Title 5 webpage can be found here: [310 CMR 15.000: Septic Systems \("Title 5"\) | Mass.gov](#)

I look forward to working with you and your community as we move forward to address these pressing water quality issues.

Sincerely,



Millie Garcia-Serrano  
Regional Director

MGS/GM

ec: Bourne Board of Health  
Attn: Terri Guarino, R.S., C.H.O., Agent

Bourne Board of Selectmen  
Attn: Mary Jane Mastrangelo, Chair

DEP-Boston

Attn: Gary Moran, Deputy Commissioner, Operations and Environmental Compliance  
Kathy Baskin, Assistant Commissioner, Bureau of Water Resources (BWR)  
Lealdon Langley, BWR Director, Watershed Management  
Marybeth Chubb, BWR, Chief, Title 5, Groundwater and Reclaimed Water

DEP-SERO

Attn: Gerard Martin, Deputy Regional Director, BWR  
Drew Osei, BWR Wastewater Management