



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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

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November 30, 2023

RECEIVED

Terri Guarino, Board of Health
Town of Bourne
24 Perry Avenue
Bourne, MA 02532

DEC 05 2023

Bourne Health Department
24 Perry Avenue
Buzzards Bay, MA 02532

Re: Extension of date for Best Available Nitrogen Reducing Technology in septic systems serving New Construction in designated Natural Resource Nitrogen Sensitive Areas

Dear Ms. Guarino:

This letter is to notify you that in accordance with 310 CMR 15.000, the State Environmental Code, Title 5, MassDEP is extending the date for requiring the incorporation of Best Available Nitrogen Reducing Technology (BANRT) in septic systems serving New Construction on Cape Cod in designated Natural Resource Nitrogen Sensitive Areas (NRNSA).

Per 310 CMR 15.215(2)(e), MassDEP can extend deadlines for the new NRNSA requirements: "...the Department may extend any time limit contained in 310 CMR 15.215 for good cause including, but not limited to, an insufficient supply of necessary equipment or materials or unavailability of contractors."

Extending the date for this requirement will allow for:

- Continued and requested outreach and implementation guidance to the towns and local Boards of Health;
- A more comprehensive review of the data for nitrogen reducing technologies leading to a more robust list of BANRT technologies;
- Additional evaluation of whether there is a sufficient supply of necessary equipment and materials, and availability of contractors; and

- Additional time for Cape Cod towns to prepare and submit a Notice of Intent to pursue a Watershed Permit, a Watershed Permit application, or a DeMinimis Load application, which would stay the requirement to install BANRT for both new construction and existing systems, and facilitate an efficient implementation of the new requirements.

The requirement to install BANRT for new construction was scheduled to commence on January 8, 2024 for 30 watersheds on Cape Cod and, on March 30, 2024 for the Wellfleet Harbor watershed on Cape Cod.

MassDEP is extending this date to July 8, 2024 for all 31 watersheds designated as NRNSAs on Cape Cod.

This extension for New Construction does not change the timeline for the requirement to install BANRT on existing systems.

This extension for New Construction does not alter or stay any requirement(s) specified by a town bylaw or regulation.

Please contact Marybeth Chubb at Marybeth.Chubb@mass.gov or Ian Jarvis at Ian.Jarvis@mass.gov should you have any questions concerning this extension or a Watershed Permit submittal.

Sincerely,



Millie Garcia-Serrano
Regional Director

ec: BOH

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: Millie Garcia-Serrano, Regional Director
Drew Osei, BWR Wastewater Management
Ian Jarvis, BWR, Wastewater Management