



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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July 26, 2024

Town of Truro
Attn: Emily Beebe
Truro Health and Conservation Department
244 Town Hall Road
Truro, MA 02666

RE: **TRURO – BWR**
Wellfleet Harbor
24-WP94-0011-APP
**Truro Watershed Permit Notice of Intent
Acceptance**

Dear Emily Beebe:

The Massachusetts Department of Environmental Protection (MassDEP or the Department) received from the Town of Truro on July 3, 2024, a Notice of Intent (NOI) to apply for a Watershed Permit for Wellfleet Harbor Watershed(24-WP94-0011-APP).

Because Wellfleet Harbor has a Total Maximum Daily Load (TMDL) for total nitrogen and its location is subject to the June 2015 Cape Cod Area Wide Water Quality Management Plan Update (the Cape 208 Plan) prepared by the Cape Cod Commission, this watershed was designated as a Natural Resource Nitrogen Sensitive Area (NSA) on September 29, 2023 after the recent amendments to Title 5 (310 CMR 15.000) and Watershed Permit Regulations (314 CMR 21.00) were promulgated. Upon promulgation of the regulations, existing Title 5 systems and systems serving new construction are required to be upgraded with the best-available nitrogen-reducing technology (BARNT) within the timeframes specified in the regulation unless the community submits an NOI to apply for a Watershed Permit; a Watershed Permit Application; a *De Minimis* Nitrogen Load Exemption Application; or obtains a Watershed Permit.

Acceptance of the Notice of Intent

MassDEP hereby accepts the NOI establishing a deadline of July 6, 2030 for the submittal of a Watershed Permit application pursuant to 314 CMR 21.00 for the Wellfleet Harbor Watershed.

Pursuant to 310 CMR 15.215(2), the effect of filing the NOI to apply for a Watershed Permit for the Wellfleet Harbor watershed suspends both the requirement to install BARNT for new construction, and

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for existing systems, which requirements would otherwise be in effect until a Watershed Permit is obtained.

It should be noted that the acceptance of the NOI is not an approval of the deadlines outlined in the "Watershed Permit Milestone Schedule" attached to the NOI. Pursuant to 314 CMR 21.03(2)(b)10, the implementation schedule to reduce the necessary nitrogen load is to be included in the Watershed Permit Application. The Watershed Permit application is subject to review and approval by the Department as outlined in 314 CMR 21.04.

Public Notice Requirements

In accordance with 310 CMR 15.215(2)(c)3, you must publish notice of filing the NOI and any suspension of the Title 5 upgrade and New Construction requirements under 310 CMR 15.215(2)(a) and (b):

1. in the forthcoming Environmental Monitor;
2. on the party's official website;
3. in the town hall where similar notices are published; and,
4. in a local or regional newspaper with the largest readership distribution within the area that may be affected by the Title 5 upgrade and New Construction requirements in 310 CMR 15.215(2)(a) and (b).

In municipalities with Environmental Justice Populations where the preceding method for publishing public notice does not specifically serve the Environmental Justice Population(s), the party who filed the Notice of Intent or Watershed Permit application must publish the notice in at least one additional news organization that primarily serves the Environmental Justice Population(s) within the area that may be affected by the designation. The public notice shall be translated into other languages that are prevalent in areas with persons of limited English proficiency.

Compliance with the Notice of Intent

The Town of Eastham must demonstrate reasonable progress towards filing the Watershed Permit application as soon as practicable but no later than seven years from the applicable Nitrogen Sensitive Area designation under 310 CMR 15.214(1)(b). As stated above, the town has established a deadline of July 6, 2030 for the submittal of a Watershed Permit Application.

Please be advised, failure to comply with deadlines in the NOI approved under 310 CMR 15.215(2)(c)2 will commence the New Construction requirements and five-year period for mandatory upgrades to existing systems under 310 CMR 15.215(2)(a) and (b) upon issuance of notice from the Department to the noncompliant party. Within 28 days of issuing that notice to the noncompliant party, the Department shall publish notice in accordance with the notice publication provisions in 310 CMR 15.215(2)(c)3 that the Title 5 upgrade and New Construction requirements under 310 CMR 15.215(2)(a) and (b) have been invoked.

Milestones and Implementation

The Town of Truro plans to finalize a Watershed Management Plan to outline strategies for nitrogen load reduction for its contribution to the Wellfleet Harbor Watershed. The Town's contribution to the Harbor is potentially De Minimis; however, the Town would like to engage in watershed permitting planning as a net benefit to town-wide wastewater management. MassDEP will continue to provide technical support and regulatory guidance for these efforts. Please coordinate with MassDEP on needed plan approvals and permit modifications.

If you have any questions or comments regarding this matter, please feel free to contact Maggie Leary, at Maggie.Leary@mass.gov.

Sincerely,



Andrew F. Osei PE, Chief
Wastewater Management Program
Bureau of Water Resources

ECC:

Town of Truro
Attn: Emily Beebe, Health/Conservation Agent

GHD
Attn: Anastasia Rudenko

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, Wastewater Section Chief

DEP-SERO
Attn: Drew Osei, BWR Wastewater Management
Gerard Martin, BWR, Wastewater Management