

Date: **October 5, 2022**

Project No.: **20985**

To: **Orleans Wastewater Management Advisory Committee (WMAC)**

From: **Mike Giggey**

Subject: **Orleans Wastewater Management Planning  
Proposed Letter to DEP on Watershed Permitting**

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At recent meetings of the WMAC, we have talked about sending a letter to DEP to clarify the expected application of the new watershed permitting program to the watersheds in Orleans. Attached to this memo is the first draft of that proposed letter together with a plan of Orleans showing major watersheds.

This letter and plan categorize watersheds as needing a watershed permit or not. Further, the letter and plan distinguish Rock Harbor and Nauset Harbor as needing a watershed permit, but without adequate scientific data to determine the degree of nitrogen removal that will be required. That distinction is important because the 5-year period for obtaining a permit will not start until that scientific basis is established

If a watershed permit is not needed, then the proposed across-the-board requirement for I/A systems should not be applicable. This letter and plan serve to set forth the Town's understanding of the areas where I/A systems will not be mandated by DEP.

While a final determination of watershed permit needs cannot be made at this time, this letter is intended to "move the ball forward" and to facilitate a DEP decision.

Let us discuss this draft letter and plan at the WMAC meeting scheduled for Thursday October 13.

**DRAFT**

Date

Ms. Millie Garcia-Serrano  
Massachusetts Dept. of Environmental Protection  
Southeast Regional Office  
20 Riverside Drive  
Lakeville, MA 02347

Subject: Watershed Permitting in Orleans

Dear Millie:

Thank you for meeting with the Town of Orleans to describe the new DEP initiative related to watershed permitting. We learned a lot about the new DEP program from our conversations with you, and we hope that the new program will benefit from our comments.

As we get organized to participate in this program, we have developed the attached map of Orleans to depict the various embayments that we impact, and to highlight those where watershed permits are likely. We are looking at our situation as follows:

1. Watersheds with MEP reports and TMDLs
  - Pleasant Bay
2. Watersheds with MEP reports showing nitrogen loads less than threshold loads
  - Namskaket Marsh
  - Little Namskaket Marsh
3. Watersheds where no MEP report was necessary
  - Atlantic Ocean
4. Watersheds with MEP reports showing nitrogen control is likely, but no TMDLs have been issued
  - Nauset Harbor
  - Rock Harbor

Where no nitrogen removal is needed (Namskaket Marsh, Little Namskaket Marsh and Atlantic Ocean), it is our understanding that DEP will not declare those watersheds to be Nitrogen Sensitive Areas under the revised Title 5. We intend to assure our residents in those watersheds that across-the-board I/A systems will not be required.

We know that nitrogen reductions are needed in Pleasant Bay, and we are actively working to adjust our plans to meet the revised removal needs that are likely to be part of the updated watershed permit there. Since a watershed permit is in place, we understand that the across-the-board I/A requirement will not apply to the Pleasant Bay watershed.

We expect that nitrogen load reductions are also needed in the watersheds of Nauset Harbor and Rock Harbor. Those embayments do not have TMDLs, and the MEP reports are 10 or more years old. We stand ready to work with DEP to update the scientific information applicable to these two embayments so that realistic nitrogen load reductions can be estimated. From our discussions with you, we understand that Orleans and Eastham will have five years to obtain watershed permits for those two systems, beginning on the date of the EPA approval of the

respective TMDLs. We anticipate significant discussions with you on the appropriate watershed loads, the threshold loads, and resulting load removal requirements associated with those TMDLs.

Orleans has been an active participant in the development and implementation of the watershed permit for Pleasant Bay. We intend to use that experience in facilitating new permits for the Nauset Harbor and Rock Harbor systems, in conjunction with the Town of Eastham.

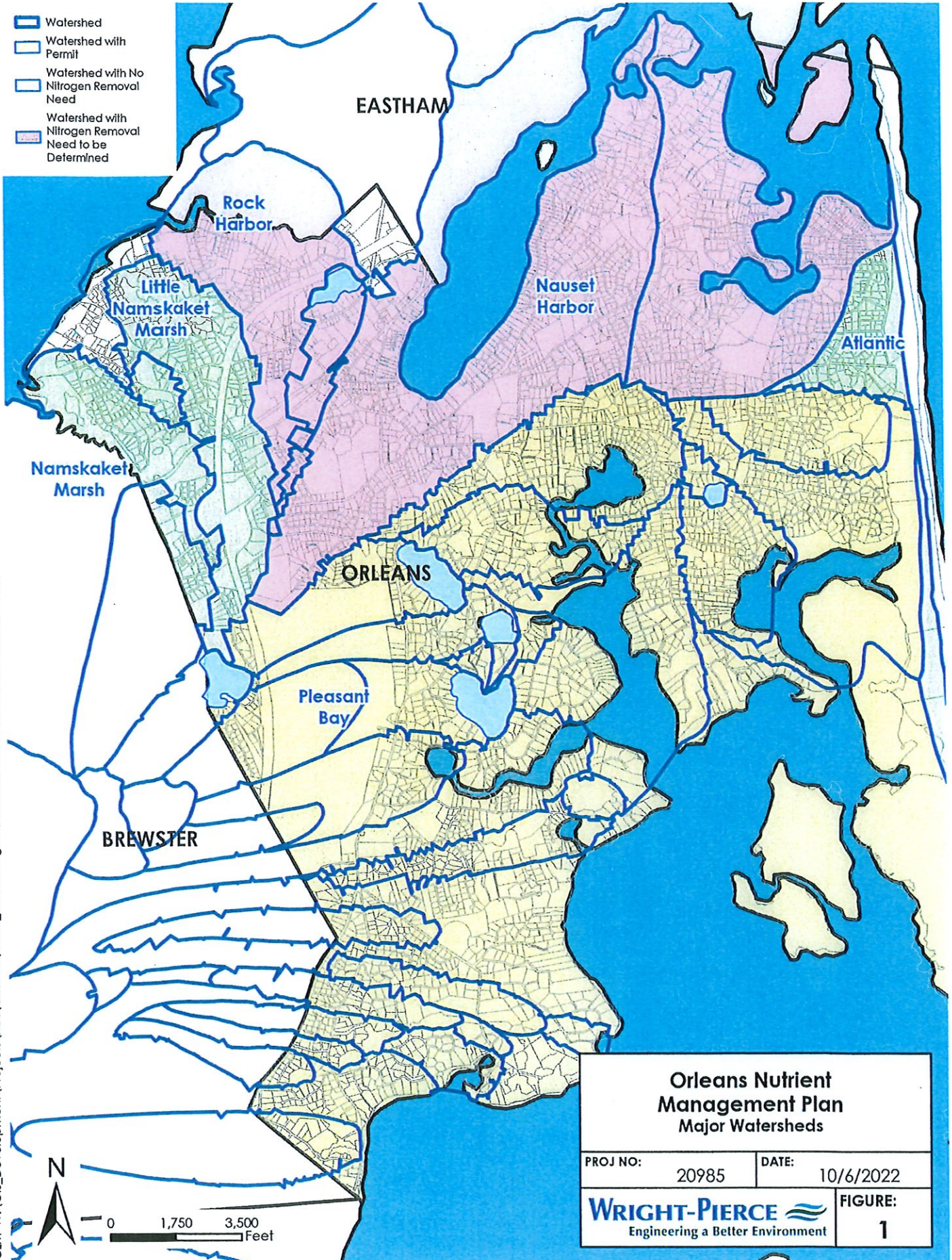
We look forward to working with you and your staff on this very important matter.

Very truly yours,

Orleans Select Board

Cc: Drew Osei, DEP  
Gerard Martin, DEP

-  Watershed
-  Watershed with Permit
-  Watershed with No Nitrogen Removal Need
-  Watershed with Nitrogen Removal Need to be Determined



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**Orleans Nutrient Management Plan  
Major Watersheds**

PROJ NO:	20985	DATE:	10/6/2022
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**WRIGHT-PIERCE**   
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FIGURE:  
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