

Date: **November 22, 2022**

Project No.: **20985**

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

From: **Milke Giggey**

Subject: **Orleans Wastewater Management Planning
Applicability of Proposed New Title 5 Requirements**

At several WWMAC meetings this fall, there has been discussion about the proposed amendments to Title 5, and how those amendments might apply to property owners in Orleans. If those regulations are promulgated as drafted, will Orleans residents be required to install nitrogen-removing septic systems (so-called I/A systems)?

The draft regulations would require that all existing and new septic systems be equipped with Best Available Nitrogen Reducing Technology (BANRT) in Nitrogen Sensitive Areas, unless a watershed permit is in place. The attached map has been prepared to show where this BANRT requirement might apply. BANRT is essentially the use of I/A systems.

Three watersheds in Orleans have been documented as not Nitrogen Sensitive Areas: Namskaket Marsh, Little Namskaket Marsh and Atlantic Ocean. In these watersheds, shown in green on the attached map, the new regulations will not apply, and I/A systems will not be mandated by DEP.

The other three watersheds in Orleans have been determined to be, or are likely to be, nitrogen sensitive.

Pleasant Bay (shown in gold on the attached map) is the subject of the first DEP watershed permit issued in 2018. The four towns in that watershed have developed nitrogen control strategies. While those strategies might include installation of I/A systems in certain areas, the across-the-board I/A requirement in the draft DEP regulations would not apply.

Nauset Harbor and Rock Harbor are likely to be deemed nitrogen sensitive; their watersheds are shown in pink. Orleans and Eastham have begun discussions about applying for watershed permits for these two watersheds. If those permits are in place within 5 years of the new regulations, I/A systems will not be required there across the board.

In short, will this new requirement apply in Orleans' watersheds?

- Pleasant Bay watershed: no, a watershed permit is in place
- Nauset Harbor watershed: perhaps, but only if a watershed permit is not in place in 5 years
- Rock Harbor watershed: perhaps, but only if a watershed permit is not in place in 5 years
- Namskaket Marsh, Little Namskaket Marsh and Atlantic Ocean watersheds: no, these are not nitrogen-sensitive areas

If Orleans is able to obtain watershed permits for Nauset Harbor and Rock Harbor within 5 years, then none of Orleans will be subject to this proposed new requirement.

This assessment is based on the October 28 draft of the proposed regulations, and should not be considered definitive until those regulations have been promulgated and after this assessment is confirmed with DEP.

Let us plan to discuss this topic at the regular WMAC meeting on December 1. After that, perhaps this memo and map can be circulated to the Select Board and the Planning Board.