

Officials: State Septic Changes Would Be Economically Stifling

by William F. Galvin

HARWICH – Proposed amendments to Title 5 septic regulations and new watershed permit requirements proposed by the Massachusetts Department of Environmental Protection could require the replacement of between 5,000 to 7,000 private septic systems in town over a five-year period, putting an enormous financial stress on the community, selectmen said.

But there is an alternative to having individual homeowners upgrading systems. The MassDEP proposals encourage communities on the Cape to achieve watershed pollutant reduction goals within a 20-year period through a watershed permit. That cuts in half the 40-year implementation schedule in Harwich's comprehensive wastewater management plan that was approved by MassDEP in 2016.

Given the impractical nature of complying with the new Title 5 requirements, it is likely most, if not all communities in the state — including Harwich — will pursue watershed permits, said Water and Wastewater Superintendent Daniel Pelletier.

“It's the town's intent to pursue watershed permits and that would negate the need for [upgraded septic] systems,” Pelletier said. But the permit timeline, half of what the state agency previously approved, will also be onerous.

“The 20-year timeline is shortsighted in that it fails to consider other capital needs that communities must undertake, nor does it lend itself to the balancing of new debt and maintaining a stable tax rate,” selectmen wrote in a letter to DEP Commissioner Martin Suuberg.

“The cost increases to fast-track the wastewater schedule will add another obstacle to Harwich's need to respond to the well-publicized housing shortage which disproportionately handicaps the ability of our necessary working residents to remain in Harwich and on Cape Cod,” the board wrote.

“This accelerated implementation schedule will have a stifling and debilitating effect on the town's economic growth, strangling plans for improvements in housing, education and harbor facilities,” the board wrote.

said he has been getting calls from residents who are now putting in new septic systems questioning whether they will have to install a new innovative/alternative system in five years.

The town presently has a watershed permit in place for Pleasant Bay, the first permit issued by the state, but additional permits will be required for Saquatucket Harbor, Wychmere Harbor, Allen Harbor and Herring River watersheds, said Pelletier. While it may be DEP's intent to force communities to pursue watershed permits, there simply aren't enough engineers, materials and installation contractors with adequate bonding capacity to simultaneously sewer Cape Cod, said Pelletier. Without an industry to support it, the proposed regulations will only inflate cost and further exacerbate ongoing supply chain issues.

The financial impacts cannot be understated, according to selectmen. The town spent \$2 million to develop the wastewater plan and its 40-year schedule. The town has already spent \$30 million implementing phases of the plan, and six years later MassDEP is proposing to cut the implementation period in half.

The proposed regulations will necessitate the redevelopment of an implementation schedule, cost/debt modeling, and subsequent incorporation into the town-wide capital plan. These efforts will require the town to stop progress already in motion to prepare and apply for a watershed permit, time and money that could be much better spent installing a sewer system and making progress toward mutual water quality goals, according to selectmen.

Although the federal infrastructure bill is anticipated to provide some fiscal relief, little to no details have been provided as to how that relief will come other than “it will be available through existing (state revolving fund) programs,” selectmen wrote. Without an understanding of what forgiveness may be provided there is no ability to produce accurate cost or tax impact forecasting, which will ultimately limit what the town can accomplish.

“Hopefully MassDEP will take these comments and modify the draft language for the regulations. My hope is this is the start of a dialogue that is mutual and obtainable,” Pelletier said.

The MassDEP public comment period on the proposal was just extended from Dec. 16 to Jan. 30. The new regulations are scheduled to be implemented in the spring.

MassDEP has determined wellhead protection areas for public drinking water supplies and embayments particularly sensitive to the discharge of pollutants from on-site sewer disposal systems are to be designated as nitrogen sensitive. “The necessity of providing increased treatment of pollutants and reducing nutrients discharged from the systems, including nitrogen, nitrogen as nitrate, phosphorus and pathogens in these areas warrant the imposition of the loading restrictions,” according to the proposed regulations.

“With Harwich having five watersheds subject to EPA approved total daily maximum load, compliance with revised Title 5 systems, including best available technology, would require the replacement of 5,000 to 7,000 private septic systems in a five-year period,” the selectmen wrote to DEP. “This would require on average the replacement of two to four septic systems per day for five years straight, which from an engineering and constructability perspective is not feasible.”

The alternative is watershed permit regulations “to provide a 20-year permit for communities to implement long-term wastewater planning in the most efficient and effective way for the entire watershed. Permittees will be authorized to take a holistic, long-term, innovative approach to reducing the nitrogen load that enters the estuaries and embayments,” the proposed amendments read.

Pelletier, who drafted the selectmen’s letter,

Given the expense the amended regulation would place on the community, Pelletier urged residents to send comments to MassDEP as well.

Email William F. Galvin at billy@capecodchronicle.com

“This accelerated implementation schedule will have a stifling and debilitating effect on the town’s economic growth, strangling plans for improvements in housing, education and harbor facilities.” Harwich Board of Selectmen



Harwich Water/Wastewater Superintendent Daniel Pelletier. WILLIAM F. GALVIN PHOTO