



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 2, 2024

Town of Chatham  
Attn: Gregory Berman  
Director of Natural Resources  
261 George Ryder Road  
Chatham, MA 02633

RE: **CHATHAM – BWR**  
Taylors Pond/Mill Creek, Sulfur  
Springs/Bucks Creek, Stage Harbor  
**Chatham Watershed Permit Notice of  
Intent Acceptance**

Dear Mr. Berman:

The Massachusetts Department of Environmental Protection (MassDEP or the Department) received from the Town of Chatham on December 6, 2023, the Notice of Intent (NOI) to apply for a Watershed Permit for the Taylors Pond/Mill Creek, Sulfur Springs/Bucks Creek, and Stage Harbor Watersheds (23-WP94- 0010-APP). The Town of Chatham intends to pursue one (1) watershed permit that covers all three (3) watersheds.

Because the Taylors Pond/Mill Creek, Sulfur Springs/Bucks Creek, and Stage Harbor embayments have 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 July 7, 2023 when 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 December 31, 2027 for the submittal of a Watershed Permit application pursuant to 314 CMR 21.00 for the Taylors Pond/Mill Creek, Sulfur Springs/Bucks Creek, and Stage Harbor watersheds.

This information is available in alternate format. Please contact Melixza Esenyie at 617-626-1282.  
TTY# MassRelay Service 1-800-439-2370  
MassDEP Website: [www.mass.gov/dep](http://www.mass.gov/dep)

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Pursuant to 310 CMR 15.215(2), the effect of filing the NOI to apply for a Watershed Permit for the Taylors Pond/Mill Creek, Sulfur Springs/Bucks Creek, and Stage Harbor watersheds suspends both the requirement to install BARNT for new construction, and 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 NOI Pre-Application 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**

Enclosed herewith is a copy of the public notice for your NOI submittal for the Taylors Pond/Mill Creek, Sulfur Springs/Bucks Creek, and Stage Harbor watersheds. 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 Chatham 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 December 31, 2027 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 Chatham plans to continue with implementation phases and sewerage. 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](mailto:Maggie.leary@mass.gov).

Sincerely,



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

ECC:

Town of Chatham  
Attn: Gregory Berman, Director of Natural Resources

GHD  
Attn: Jeff Gregg, Project Manager

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 Wastewater Section Chief

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

