



*Town of Rochester
Board of Health
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EMAIL TO: dep.talks@mass.gov

FROM: Karen A. Walega, MPH, CHO, RS

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Re: Title 5 and Watershed Permit

January 18, 2023

Commissioner Martin Suuberg
MassDEP
Bureau of Water Resources-
Division of Watershed Management
100 Cambridge Street, Suite 900
Boston, MA 02114
Attention Title 5 & Watershed Permit

Dear Commissioner Suuberg,

As the Health Director, I am submitting comments regarding the proposed 310 CMR 15.000 and New Regulations 314 CMR 21.00 Nitrogen Sensitive Area/Watershed Permitting Regulations on behalf of the Town of Rochester, We have four basic observations and a suggestion.

First, we are not in opposition of slowing down the process of eutrophication in our waterways and estuaries. But It is very concerning to me how there is a rush to promulgate regulations that affect homeowners with septic systems. As a town that could be affected by these regulations I don't feel that DEP has been transparent in laying out the proposals to those towns, and giving towns a chance to sit at the table and discuss in a detailed plan how this can be accomplished.

Second, there needs to be a concerted outreach to all stakeholders. While public hearings were held on December 1 and December 5 these holiday hearings conflicted with a very busy time of the year. While two more hearings have been added, and the comment period has been extended, Health Boards are not being notified in any organized way. A comprehensive mailing list must be developed and used to keep local boards apprised of progress.

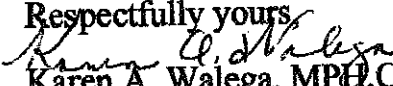
As an example, an NSA Subcommittee was appointed by DEP to discuss potential changes to Nitrogen Sensitive Area provisions of Title 5. DEP is going to designate NSA's and towns will be mandated to comply with regulations. This process, which lacks local representation currently lacks transparency, leaving towns like Rochester unable to plan. Citizens and their local representatives seem to be an afterthought in promulgating new rules.

Third, DEP's proposed approach haphazardly targets homes to the exclusion of a diverse list of nitrogen polluters. Golf courses, farms, hotel, public sewer system are all contributors but are not targeted by this regulation. A comprehensive approach is needed to fashion a statewide solution to the eutrofication of our estuaries.

Fourth the push for residential denitrification within five years is impractical and its local enforcement problematic. The expense to homeowners is a huge burden. At the moment, the availability of systems is quite limited. So too are the technical and engineering skills needed to design and build such systems within the proposed time frame.

For all these reasons and concerns Rochester strongly suggests extending the process at least another six months to encourage consensus building among DEP, localities, engineering experts, marine scientists, our state delegations and even the Conservation Law Foundation. There should be intense investigation of funding sources including federal infrastructure awards, the SRF, legislative appropriations and/or a dedicated bond issue. Finally, there should be a frank discussion about Watershed Permitting as the ultimate solution to this problem.

Respectfully yours


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Health Director

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