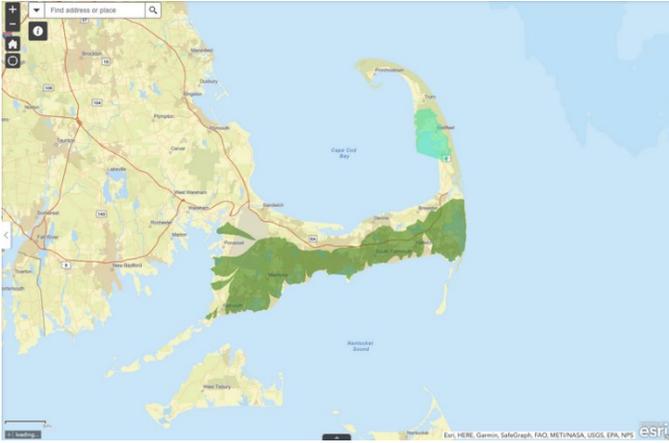


## What the heck's an NSA? (Psst ... nitrogen's got something to do with it!)



**Nitrogen pollution in coastal waters**, including estuaries and embayments, can cause an overgrowth of algae, invasive plants, and weeds that cut off support for naturally occurring plants and animals. Today, many of the bays and estuaries on Cape Cod violate state water quality standards for nitrogen based on the waterbodies' use.

In response and effective July 7, 2023, the Commonwealth's Massachusetts Department of Environment Protection (MassDEP) amended its Septic System (Title 5) Regulations (310 CMR 15.000) and its Watershed Permit Regulations (314 CMR 21.00) to reduce nitrogen loads that impact coastal

waters. Thirty watersheds on Cape Cod, including Pleasant Bay, were automatically designated Natural Resource Nitrogen Sensitive Areas (NSAs) as their nitrogen levels measured above those listed in the MassDEP water quality standards where the discharge of nitrogen through septic systems would be detrimental to the environment or public health. In these newly designated NSAs, the community as a whole or individual residents must update septic systems with nitrogen-reducing technologies. A community is exempt from that requirement if it files: 1) a Notice of Intent to secure a Watershed Permit; 2) an application for a Watershed Permit; or 3) a De Minimis Nitrogen Load Exemption. In the absence of these filings, septic system owners within NSAs designated in these regulations will need to add nitrogen removal to their Title 5 systems within seven years from when these regulations took effect.

From July 2023, affected Cape Cod communities have had a two-year window in which to obtain a 20-year watershed permit. This permit enables them to design and implement strategies to combat nitrogen pollution on behalf of their residents, allowing for a more centralized problem-solving approach. If your property is in an NSA, it's essential to stay informed about your town's actions regarding the Watershed Permit. If your town does not secure the permit, this may impact your home's current septic system.

As noted above, the four towns in the Pleasant Bay watershed – Brewster, Chatham, Harwich and Orleans – obtained a first-of-its-kind (and award-winning) state watershed permit from MassDEP in 2018 after creating an intermunicipal agreement to address nitrogen pollution in the watershed. The Pleasant Bay Watershed Permit remains in effect under the new regulations. That permit has allowed these towns to use a blend of traditional and non-traditional technologies to reduce watershed nitrogen load and receive nitrogen removal credits from MassDEP, while working collaboratively to each address each municipality's contribution to nitrogen levels in the bay.

To learn more about the Pleasant Bay Watershed Permit, [visit the Pleasant Bay Alliance's website here](#). For property-specific information, [view MassDEP's Nitrogen Sensitive Area Address Lookup here](#).

---

By Fran Schofield, Editor, *The Pleasant Bay Current*, based on the following sources:

["MassDEP Targets Cape Cod's Nitrogen Pollution with New Watershed and Septic System Regulations - Update,"](#) by Jennifer Davy, July 17, 2023, McGregor Legere & Stevens PC. F

["Thirty Watersheds Impacted by New Nitrogen Pollution Restrictions,"](#) by Josie Ahlberg, MMA Legislative Analyst, Massachusetts Municipal Association

["Brewster, Chatham, Harwich and Orleans Have First-of-its-Kind State Watershed Permit for Bay,"](#) by Daniel DeMaina, Associate Editor, Massachusetts Municipal Association