



Town of Brewster

2198 Main Street
Brewster, MA 02631-1898
Phone: (508) 896-3701
www.brewster-ma.gov

Office of the:
Select Board
Town Manager

November 21, 2023

Millie Garcia-Serrano, Regional Director
Massachusetts Department of Environmental Protection
20 Riverside Drive
Lakeville, MA 02347

RE: Notice of Intent to File a Watershed Permit Application for the Portion of the Herring River Watershed in the Town of Brewster

Dear Ms. Garcia-Serrano:

On behalf of the Town of Brewster Select Board, I am filing this Notice of Intent to inform the Massachusetts Department of Environmental Protection (DEP) that the Town plans to file a watershed permit application pursuant to 310 CMR 22 for the Town's portion of the Herring River watershed located in the southern portion of Brewster. Figure 1 shows the overall watershed boundary and Figure 2 shows land use information for the parcels in Brewster's portion of the watershed. It is the Town's understanding that the filing of this Notice of Intent will suspend the requirements for septic system upgrades using Best Available Nitrogen Reducing Technology both for existing septic systems (310 CMR 15.215(2)(a)) and for new construction (310 CMR 15.215(2)(b)).

The Town is requesting initial funding to begin this work at the November 2023 town meeting and plans to file the application no later than January 1, 2028. This is a conservative estimate, and the application may be filed before then if a plan to complete the necessary nitrogen load reductions can be finalized sooner. A more detailed schedule for the completion and approval of the watershed permit application is provided in Table 1.

Table 1: Schedule to Complete and File Brewsters' Watershed Permit Application for the Herring River Watershed

Initial funding request to develop the Watershed Management Plan	November 2023 Town Meeting
Development of the Watershed Management Plan	January 2024-January 2028
Nitrogen loading assessment for Brewster's portion of the watershed.	July 2024
Establishment of the necessary nitrogen load reduction for Brewster.	January 2025
Evaluation of strategies to reduce nitrogen loads.	January 2026
Estimate of costs to implement the proposed strategies	January 2026
Development of draft Watershed Management Plan	January 2027
Development of final Watershed Management Plan	November 2027
Select Board Approval of final Watershed Management Plan	December 2027
Submission of final Plan and application documents	January 2028
Cape Cod Commission 208 compliance review	April 2028
Issuance of Watershed Permit by MassDEP	No Later Than July 6, 2030

In Brewster, the nitrogen load from the existing development at the time the Massachusetts Estuaries Project (MEP) Herring River report was published (SMAST March 2013) did not exceed the threshold loads for the relevant subwatersheds. Therefore, the Town's nitrogen management responsibility is related to development that has taken place since the MEP report was issued. It also includes the load associated with future development within Brewster's subwatersheds. The Targeted Watershed Management Plan that the Town proposes to develop will document this load and the proposed management strategies to comply with the necessary nitrogen load reduction in the new regulations.

Brewster's application will include a Targeted Watershed Management Plan for Herring River that will be based, in part, on the Town's Integrated Water Resource Management Plan (HW 2013). As specified in MassDEP's watershed permit regulations (310 CMR 21.02(2)(b)), the plan will include the required information on the extent of nitrogen that must be removed and the proposed actions that will be implemented to meet the nitrogen reduction goals for Brewster's portion of the watershed. The plan will document both conventional and alternative options for nitrogen management. It will also provide a schedule to provide the necessary nitrogen reductions and describe the monitoring and reporting requirements required under the permit regulations.

Brewster's current plan is to file a permit application for the Town's portion of the watershed. If, during the planning process, the Town learns that it could be beneficial to file a joint permit with Harwich, then this option will be explored. If so, the Town will notify Mass DEP and may need to adjust the schedule for completing the permit application. Brewster understands that the permit must be issued within 7 years of the issuance of the watershed permit regulations, or by July 2030, to avoid the implementation of the septic system upgrades under the new Title 5 regulations. The Town will work with MassDEP to ensure this deadline is met.

As required under the new Title 5 regulations (310 CMR 15.215(2)(C)(3)), the Town will publish an announcement regarding the filing of the Notice of intent in the Environmental Monitor and in the appropriate local newspaper. An announcement will also be placed on the Town's Water Resources website and the Town will comply with the required notifications to Environmental Justice Populations in Brewster.

If you have any questions on the proposed schedule to complete the application, please let me know.

Sincerely,



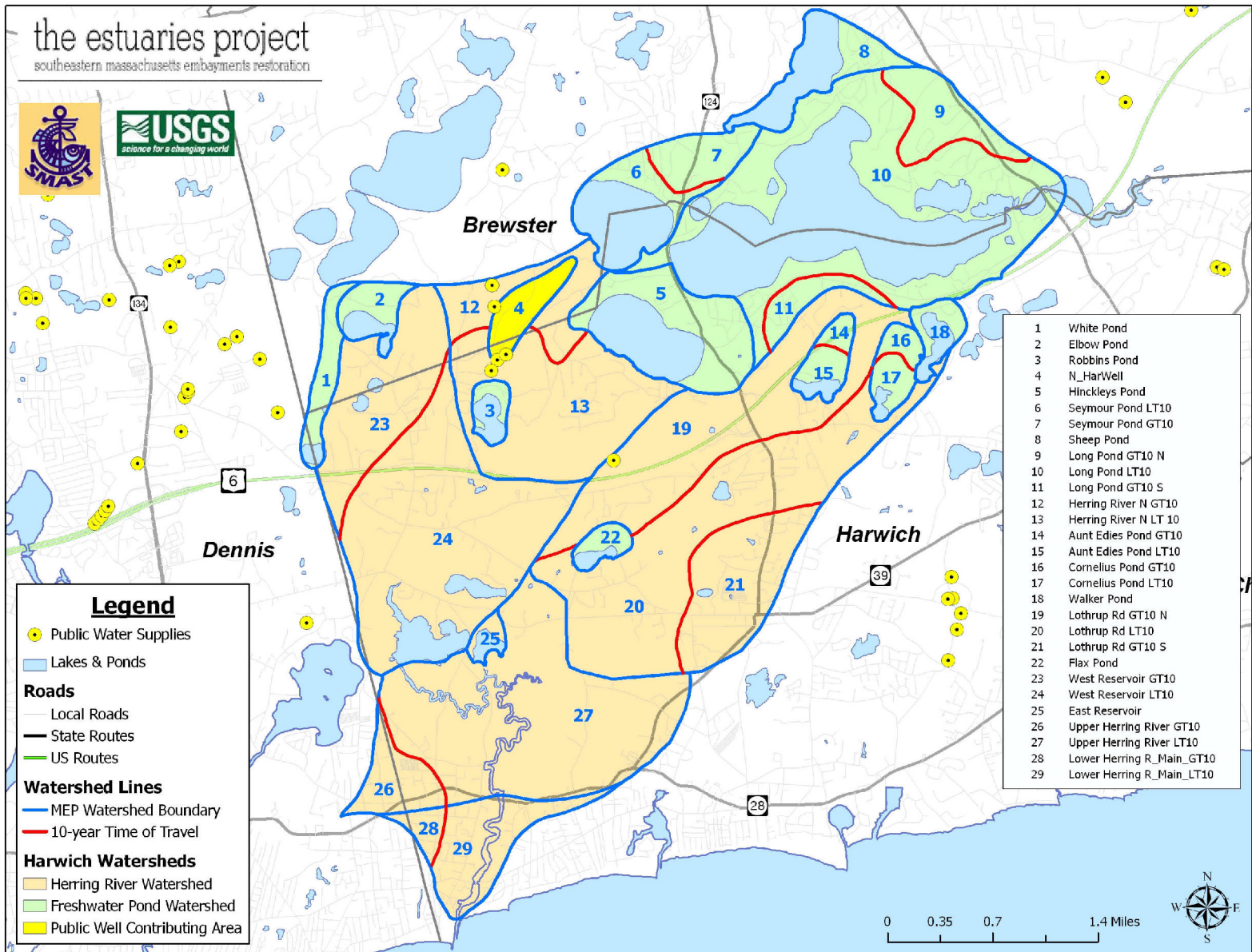
Peter Lombardi
Town Manager, Town of Brewster, Massachusetts

CC: Gerard Martin, DEP; Andrew Osei, DEP

References

Horsley Witten Group, Inc.(HW) 2013. Integrated Water Resource Management Plan, Town of Brewster, Massachusetts.

University of Massachusetts Dartmouth, School of Marine Science and Technology (SMAST). March 2013. Massachusetts Estuaries Project. Linked Watershed-Embayment Model to Determine Critical Nitrogen Loading Thresholds for the Herring River Embayment System, Harwich, Massachusetts.



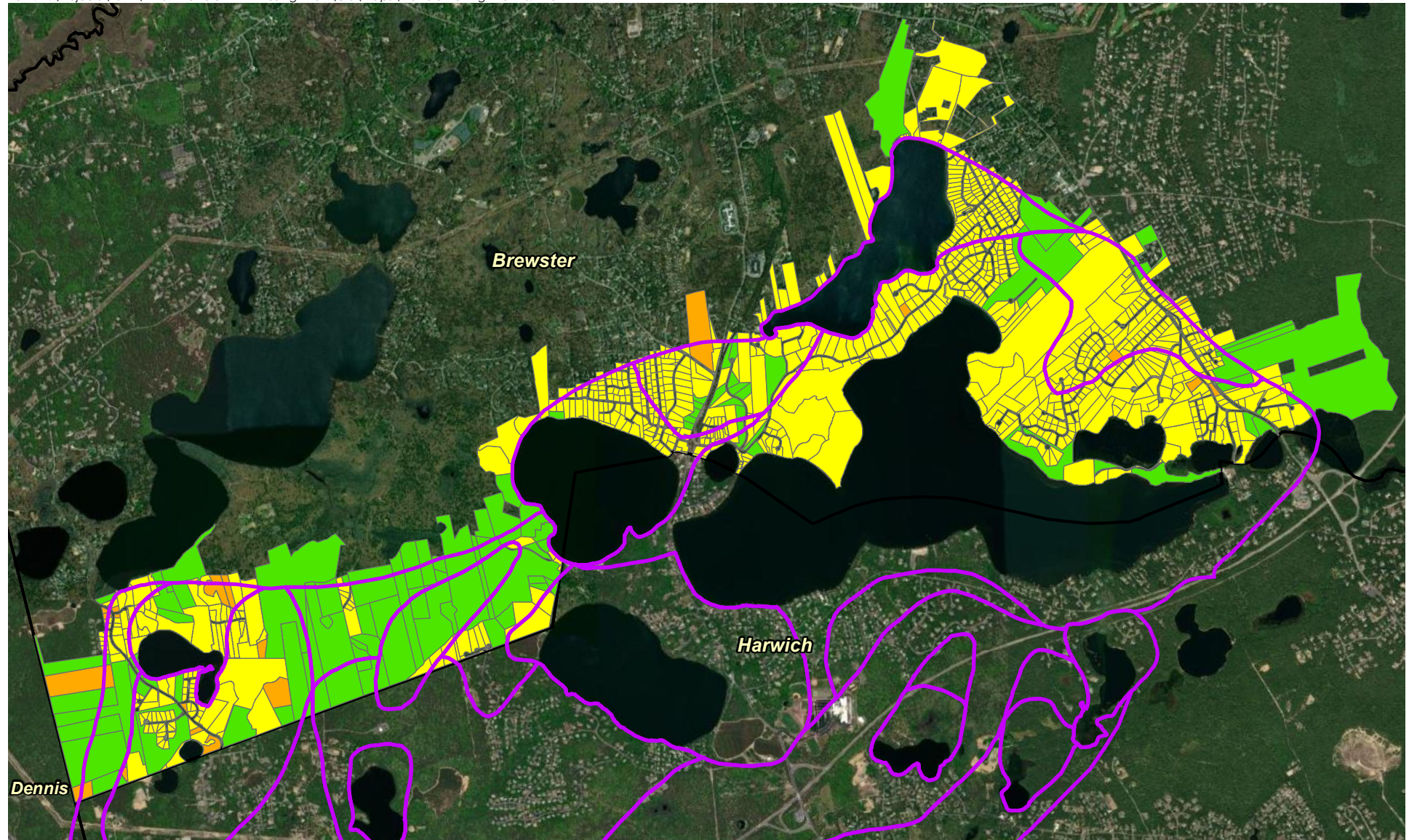
Service Layer Credits:

Date: 10/26/2023

Data Sources: Bureau of Geographic Information (MassGIS), ESRI

This map is for informational purposes and may not be suitable for legal, engineering, or surveying purposes.

Figure III-1 from "Howes B., H.E. Ruthven, J. S. Ramsey, R. Samimy, D. Schlezinger, E. Eichner (2012). Linked Watershed-Embayment Model to Determine Critical Nitrogen Loading Thresholds for the Herring River Embayment System, Harwich, Massachusetts, Massachusetts Estuaries Project, Massachusetts Department of Environmental Protection. Boston, MA"



Date: 8/16/2023

Data Sources: Bureau of
Geographic Information (MassGIS),
ESRI

This map is for informational
purposes and may not be suitable
for legal, engineering, or surveying
purposes.

 Herring River Watersheds

 Municipal Boundary

Brewster Parcels

 Developed/Residential

 Protected

 Vacant Land - Unprotected



Feet

0 1,500 3,000

Figure 2
Brewster Parcels within Herring River Watersheds