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Watershed Permit: Massachusetts Department of Environmental Protection Announces Discharger/Sharing Arrangement

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The Massachusetts Department of Environmental Protection ("DEP") announced in an August 3rd news release what it described as the issuance of:

... a first-of-its-kind "Watershed Permit" to four towns sharing the Pleasant Bay watershed. . . Brewster, Chatham, Harwich, and Orleans.

The issued Watershed Permit is described as "an innovative and flexible permitting approach to support Cape Code communities' efforts to address the critical water quality challenges stemming from nitrogen contamination of the Cape's waterways."

The Environmental Council of the States describes it as a "novel" water permit.

DEP states the permit will:

- Provide the communities an opportunity to employ a greater range of solutions to address their water quality needs. The permit covers not just traditional wastewater systems, but also alternative approaches, such as fertilizer reduction, inlet restoration, aquaculture or permeable reactive barriers;
- Allow communities to get credit for the nitrogen reductions stemming from non-traditional approaches and/or non-traditional technologies, credit they would not receive through traditional permitting;
- Account for the need for long-term strategies – such as this 20-year permit – necessary to address wastewater issues – instead of the traditional five-year permits; and
- Employ an adaptive management approach, acknowledging the uncertainties that may be associated with some projects, and carefully monitoring performance and assessing progress in a transparent fashion – and if necessary, making changes in the approach that may be needed to achieve water quality goals in a timely manner.
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A copy of the [DEP news release](#) can be found here.