



Department of Environmental Protection

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Extension of Date for Best Available Nitrogen Reducing Technology for Septic Systems Serving New Construction in Designated Natural Resource Nitrogen Sensitive Areas

In accordance with Title 5, 310 CMR 15.000, MassDEP is extending the date for requiring the incorporation of Best Available Nitrogen Reducing Technology (BANRT) in septic systems serving New Construction on Cape Cod in designated Natural Resource Nitrogen Sensitive Areas (NRNSA).

Per 310 CMR 15.215(2)(e), MassDEP may extend deadlines for the new NRNSA requirements: "...the Department may extend any time limit contained in 310 CMR 15.215 for good cause including, but not limited to, an insufficient supply of necessary equipment or materials or unavailability of contractors."

Extending the date for this requirement will allow for:

- Continued and requested outreach and implementation guidance to the towns and local Boards of Health;

- A more comprehensive review of the data for nitrogen reducing technologies, leading to a more robust list of BANRT technologies;

- Additional evaluation of whether there is a sufficient supply of necessary equipment and materials, and availability of contractors; and

- Additional time for Cape Cod towns to prepare and submit a Notice of Intent to pursue a Watershed Permit, a Watershed Permit application, or a DeMinimis Load application, which would stay the requirement to install BANRT for both New Construction and existing systems and facilitate an efficient implementation of the new requirements.

The requirement to install BANRT for new construction was scheduled to commence on January 8, 2024 for 30 watersheds on Cape Cod and, on March 30, 2024 for the Wellfleet Harbor watershed on Cape Cod. MassDEP is extending this date to July 8, 2024 for all 31 watersheds designated as NRNSAs on Cape Cod.

This extension for New Construction does not change the timeline for the requirement to install BANRT on existing systems.

This extension for New Construction does not alter or stay any requirement(s) specified by a town bylaw or regulation.

November 30, 2023