



THE COMMONWEALTH OF MASSACHUSETTS
WATER RESOURCES COMMISSION
100 CAMBRIDGE STREET, BOSTON MA 02114

Meeting Minutes for June 21, 2023

Meeting conducted remotely via Zoom meeting platform, 9:00 a.m.

Minutes approved September 14, 2023

Members in Attendance:

Vandana Rao	Designee, Executive Office of Energy and Environmental Affairs (EEA)
Christine Kluchman	Designee, Department of Housing and Community Development (EOHLC)
Kathleen Baskin	Designee, Department of Environmental Protection (MassDEP)
Tyler Soleau	Designee, Massachusetts Office of Coastal Zone Management (CZM)
Anne Carroll	Designee, Department of Conservation and Recreation (DCR)
Todd Richards	Designee, Department of Fish and Game (DFG)
Hotze Wijnja	Designee, Department of Agricultural Resources (DAR)
Thomas Cambareri	Public Member
Christine Hatch	Public Member
Vincent Ragucci	Public Member
Kenneth Weismantel	Public Member

Members Absent

Samantha Woods	Public Member
----------------	---------------

Others in Attendance:

Andreae Downs	Wastewater Advisory Committee (WAC)
Andrew Gottlieb	Association for the Preservation of Cape Cod (APCC)
Vanessa Curran	DCR/OWR
Jason Duff	DCR/OWR
Viki Zoltay	DCR/OWR
Sara Cohen	DCR/OWR
Erin Graham	DCR/OWR
Kara Sliwoski	DCR/OWR
Eve Zuckoff	Cape and Islands Org (CAI)
Lexi Dewey	Water Supply Citizen's Advisory Committee (WSCAC)
Read Porter	EEA
Robert Worthley	Town of Foxborough
Timothy Jones	MassDEP, BWR
Stephen Boksanski	Green Industry Alliance
Courtney Rainey	MassDEP
Gary Moran	MassDEP
Lealdon Langley	MassDEP

Rao called the meeting to order at 9:02 a.m.

Agenda Item #1: Welcome and Introductions

Rao announced that the meeting was being recorded and all votes would be taken by roll call. She invited those who wish to speak during the meeting to indicate this in the chat window. Members and attendees introduced themselves.

Agenda Item #2: Executive Directors Report

Rao took a few minutes to acknowledge the passing of Raymond Jack who served as a Water Resources Commissioner from 2012 to 2017. Rao acknowledged the incredible work that Jack did in the public service realm for over four decades and his very thoughtful input and comments at commission meetings.

Rao reflected that Jack most recently served as Director of the Falmouth DPW. He also was a teacher and taught at the Community College and served as a member of the Water Resources Commission, as well as on many other task forces and stakeholder groups that the State established over the years. Jack was very instrumental in providing critical information and a point of view from the municipal perspective. Those of you who shared the table with him when he was a commissioner know he was an environmentalist at heart and really had that very strong perspective of protecting the environment but balanced that with local municipal challenges and issues.

Cambareri stated that he worked with Jack on several cases including the Long-range Water Supply Team, established in response to the Massachusetts Military Reservation (MMR) situation where several wells were shut down and threatened on the Cape. Jack was one of the key individuals who was able to shepherd the water superintendents to become an active force with the politicians at that time to create the Upper Cape water supply cooperative that provides emergency supplies to the 4 towns of the Upper Cape. He was very forceful and let you know where he came from, whether you agreed with him or not. He often was successful.

Rao thanked Cambareri for the tribute and opened the floor to any other commissioners who would like to say anything about Mr. Jack.

Baskin stated that she really enjoyed working with Jack when she was in Rao's current position. Jack was both a great asset to the Water Resources Commission, and before that was a member of the climate change adaptation Advisory Committee, where Baskin first met him. On that committee, he provided a lot of excellent input about municipal impacts related to sea level rise.

Rao thanked Baskin, concluded that we will all really miss Jack and requested a moment of silence.

Agenda Item #3: Presentation and VOTE: Watershed Permitting Regulations (314 CMR 21.00)

Rao opened by stating that MassDEP has been working closely with all the towns on Cape Cod to address the water quality challenges they face. She congratulated MassDEP on their regulation package, noting that MassDEP has been working hard on this issue for several decades. MassDEP has been in close communication with all the towns on the Cape to try and address the pressing nutrient issue in the Cape's embayments and estuaries. Rao noted that MassDEP's work began

as a pilot program for a watershed permitting framework several years ago. They learned from the successes of that and have now come back with the full regulation package for review and approval here today. Rao commended MassDEP for the excellent outreach work on these regulations and noted the regulations reflect the communities' issues and are nimble and flexible in accommodating many of the core issues on the Cape. Rao then welcomed Assistant Commissioner Kathy Baskin and Deputy Commissioner Gary Moran to walk through the proposed regulations.

Baskin noted this package is a high priority of the Healey Administration and turned it over to Gary Moran whom she noted has worked for two decades on this effort. Moran took a minute to further recognize Ray Jack and noted that his input, while it could be forceful, was always helpful and that his loss will be deeply felt.

Moran began by thanking everyone for attending this special meeting of the WRC and the WRC's recent meeting where much of this material was presented in detail. He noted that today's presentation will provide an overview of the regulation and will also restate some of the background as a reminder and for anyone who may have missed the previous meeting. This package is intended to work in tandem with the Title 5 regulation package. If communities do not choose the watershed permit process, the Title 5 regulations are intended to ensure an appropriate level of protection is maintained.

Moran reviewed the basic problem of excessive nitrogen pollution primarily from septic systems, stating that many Cape estuaries do not meet the Massachusetts Water Quality Standards, resulting in an "impaired" listing and requiring development of Total Maximum Daily Load (TMDL). Resulting impacts on the environment and economy include declines in fishing, shell fishing, recreational opportunities, tourism, real estate values and business. Unaddressed, the problem will only continue to get worse.

Moran explained that there are two complimentary regulation packages:

- 1) Title 5 Regulatory Revisions, which would establish new "Nitrogen Sensitive Area" (NSA) designations under Title 5 regulations. Septic systems located in new NSAs would be required to be constructed or upgraded with enhanced nitrogen treatment systems, unless the designated watershed is covered by a Watershed Permit.
- 2) New Watershed Permit Regulations, which would require Water Resources Commission Approval. These would establish a new Watershed Permit framework and authorize 20-year permits to implement long-term wastewater solutions inclusive of innovative solutions.

Moran further explained that NSA designation would require reduction in nitrogen load migrating to impaired estuaries. There are two complimentary pathways:

- Option 1 (Title 5 route): Septic systems serving new construction/existing facilities must incorporate Best Available Nitrogen Reducing Technology within 5 years of the effective date of the NSA designation
- Option 2: Community(ies) operate under a Watershed Permit detailing the plan to achieve nitrogen reduction.

Moran then explained two pathways for how watersheds would be designated as Natural Resource Areas (NSAs) under Title 5. The first pathway specifies that upon promulgation of the Title 5 regulations, watersheds subject to the Cape Cod 208 plan with a nitrogen Total Maximum Daily Load would automatically fall within the Natural Resource Area. This includes all Cape Cod communities that are subject to the “208 Plan” approved by EPA in 2015. There are currently 30 watersheds across 11 Cape Cod communities with EPA-approved nitrogen TMDLs.

The second pathway involves new Natural Resource Area designation through a public process. In this case, watersheds on the Islands and southeastern/south coastal Massachusetts with a TMDL or scientific evaluation showing nitrogen impairment and Cape Cod Watersheds with TMDL development or scientific evaluation after Title 5 promulgation may be designated through a public process after development of a TMDL or conclusion of scientific evaluation showing nitrogen impairment. Decisions resulting from this pathway would be appealable.

The proposed regulation also allows for exemption from individual system enhanced treatment requirements for Natural Resource Areas if either: 1) communities obtain a Watershed Permit that covers an area that would be subject to the new NSA regulations, in which case the Title 5 NSA requirement to install Best Available Nitrogen Reducing Technology in 5 years would **not** apply, or 2) if a community submits a Notice of Intent (NOI) within 18 months of designation as an NSA, in which case the 5-year installation requirement is paused.

This Watershed Permitting approach is a new approach in several ways. It recognizes that an extended time period will be needed and provides for a 20-year voluntary permit instead of the traditional five-year permit. It can be issued to a local, regional or multiple-local government unit (through an intermunicipal agreement). It provides communities the opportunity to employ a greater range of solutions to address their water quality needs, including alternative or innovative approaches, and it utilizes an adaptive management approach which requires monitoring, evaluation, reporting of results, and modification of the approach as needed to address conditions that are causing the water quality impairments.

The Watershed Permit is based on a town-approved Watershed Management Plan (WMP). The WMP is a long-term plan to address an existing water quality impairment to restore and protect water quality. It can be based on a Comprehensive or Targeted Watershed Management Plan. The plan must be designed to reduce nitrogen loads by 100% within 20 years, although if demonstration of reasonable progress can be achieved MassDEP may allow for at least a 75% load reduction and may determine an alternative schedule is appropriate based on watershed-specific issues.

Moran summarized the extensive public engagement process MassDEP undertook, which included 2 legislative briefings, 45 public meetings, 32 one-on-one meetings with local officials, and engagement with stakeholders including: Cape Cod Commission, Cape Cod Board of Health Coalition, Cape Cod Municipal Managers Association, Cape Cod Realtors Association, Cape Cod Commission, Buzzards Bay Action Committee, Island Health Agents, Cape Town Managers Association, U.S. EPA Region 1, and Cape and Off-Cape Town officials. Hearings on the draft regulations included 4 public information sessions, 5 public hearings, legislative briefings, 3 legislative and 4 municipal “Office Hours”. Ultimately, MassDEP received more than 900 comments.

Moran summarized key comments which focused broadly on geographic area to be regulated, timing of requirements, and options for streamlining the Watershed Permit process. Regarding geographic area, comments included the fact that communities are at different stages in assessing and addressing coastal water quality issues and Cape Cod is further along in their process. Some off-Cape communities need more discussion and strategic planning, including time to assess nitrogen sources and to plan for new requirements. Watershed permit comments focused on towns wanting more flexibility with Watershed Permits, including ability to utilize existing approved Comprehensive or Targeted Watershed Management Plans, credit for work previously done, and permits that would cover multiple watersheds. Additional areas where concerns were raised and flexibility was sought included: concerns with meeting sentinel station concentrations vs. nitrogen load reductions, concerns with meeting nitrogen load reductions in the specified timeframe, and a simpler pathway for communities that encompassed a watershed or part of a watershed where the community's nitrogen contribution to the embayment or estuary was only a very small proportion of the entire watershed – a de minimis load.

Lastly, Moran shared five tables (see Figures 1 through 5 at the end of this document) that summarized for both Title 5 and the Watershed Permit Regulations the proposed regulation change, the reason for the change, and what was changed. Some of the key changes included limiting the geographic scope to the Cape, allowing more time and greater flexibility to meet requirements, creating a de minimis exemption, allowing credit for prior nitrogen removal efforts, and clarifying permittees responsibilities.

Rao thanked Moran for his overview and opened the discussion to Water Resources Commissioners.

Comments, questions, and responses:

Weismantel stated that this is a big deal and people worked hard. At this point in the meeting, he is not sure he is comfortable voting, but he might get there. Weismantel questioned why the draft final regulations shared by email stated, "please don't share". He assumed it was because it was hot off the press. After the discussion today, he would like the opportunity to offer a motion to table this for a vote at the next meeting, but he noted that he did first want to hear the discussion because his mind might change. Weismantel then summarized his comments on the merits of the proposal.

Weismantel noted that this will be very high cost with either option, and we need to ensure that the costs are not prohibitive for people on the Cape. He asked how we will know that these costs are worth it, 20 or 30 years down the road. He worries that 20 years may not be enough time to implement these requirements. Because this is a major cost impact, it is likely that not much will get done in the first 5 to 10 years. Weismantel further asked for the definition of a waterbody under 314 CMR 4.00 and if nitrogen impairment was a concern anywhere else in the state? Do MWRA or North Shore communities need to meet these requirements or is this just the Cape? Regarding the alternative option of pollution trading of credits, he is not sure that solves anything. Lastly, he is looking forward to hearing what Cambareri thinks as he is on the Cape and has studied this issue much more.

Rao thanked Weismantel and acknowledged that this regulation package was hot off the press and still undergoing internal review, but we made every effort to provide a few days for review which was as much time as possible in advance of this meeting.

Moran responded on the timing, noting that the regulations are the result of extensive public engagement above and beyond most other MassDEP efforts. This is all driven by the need to address very significant environmental issues with Cape Cod Estuaries. The process to finalize this package was impacted by litigation from the Conservation Law Foundation (CLF); there was a stay in the case that extends to the end of the month.

Moran acknowledged there are high costs but stated that the Watershed Permit approach is expected to be more efficient and affordable. The Healey Administration is working to identify additional assistance opportunities working with the legislature and local officials with a focus on people who may need it. Fortunately, there are some things already in place including zero percent interest loans for nutrient projects and principal forgiveness in the form of loan relief to communities based on income. Also, the state is fortunate to have put into place the Cape and Island Water Quality Protection Fund, which has been providing an additional 25% principal forgiveness the past few years. For individual homeowners, the Governor did propose an increase in the tax credit related to replacement and repair septic systems, and Barnstable County Health Department with support of the Clean Water Trust recently enhanced their community septic management program to provide low interest loans based on income. These loans are 0 to 4% depending on income level where previously it was 5% loans.

Moran addressed Weismantel's comment on 20 years being too short and stated that the permit will have performance standards in the first five years to ensure that progress is made early on. Regarding geographic scope, this is focused just on Cape Cod currently, and under Title 5, requirements are focused specifically on coastal estuaries. The issue is primarily in Southeast Massachusetts and Cape Cod. It isn't an issue on the North Shore, and it is less of an issue with a lot of places in southeastern mass. In the south coast, it does affect some other South Shore communities but as previously noted, they are in different stages, and MassDEP will be continuing to work with them on the best way to address those challenges. Moran clarified that it's not that nitrogen impairment isn't a problem with other water bodies, but it is a different type of problem in a lot of instances, and in other areas there are other solutions such as permit requirements for expansion of centralized wastewater treatment plants, which is not an option for the Cape because only a small portion of Cape waste is treated by these systems.

Moran noted on pollution credit or trading that MassDEP does think it can work. They have seen that a community may be able to implement control through centralized sewerage and get support from another community to make it affordable. If this approach helps to address water quality problems, MassDEP is open to it.

Cambareri agreed with Weismantel that these regulations are a big deal and acknowledged the high cost. He stated that the weight of evidence suggests it's time to move on this. He began his career in 1978 when the initial Section 208 planning (under the Clean Water Act) was occurring. At that point there was a strong community response, which is what happens. In 1995, the next upgrade of the Title 5 regulations identified protection of drinking water and new technologies and there was great adverse response to this, but a positive response from the towns such as hiring health agents to move this forward. Now we have the evidence of nitrogen degradation, and our understanding has evolved, and this work is happening, and Cape towns are moving

forward on it. Cambareri has no doubt that the communities will be able to be satisfactorily approved. If a vote is needed in a timely manner today, he would be in favor.

Richards thanked Moran for the presentation and echoed Ken's concerns regarding the short review time for these regulations. Pending litigation notwithstanding, he can't imagine that CLF wouldn't have cut us some slack if we had voted at the regularly scheduled meeting. Richards inquired if there is any evidence that can be provided of the town's willingness to buy in to these regulations for communities in the 30 watersheds? Assurance on this would have been very helpful to set his mind at ease in voting on these regulations. If this results in a concept around centralized treatment, what are the options around this?

Moran responded that MassDEP will be working closely with communities. Falmouth has expressed concern in how they will move forward. MassDEP will work with them over the next two years to see if they can join this permitting process. In terms of centralized treatment, as part of their comprehensive planning process communities will need to look at this and all the alternatives to address the wastewater issues, to determine what works best for them.

They will be looking at the effectiveness and the costs. In a lot of ways, it doesn't make sense to run long pipes out to less developed areas far away from a treatment plant, but when you're looking at a densely developed area and at the cost versus that of upgrading septic systems and the relative performance, the treatment plants are much more effective. They are getting down to 3 milligrams per liter regularly while our best Innovative/Alternative (IA) system now is at 19. It is a big difference. Towns now are implementing other alternatives and evaluating their effectiveness; whether it's different IA systems or aquaculture projects to see the results of uptake of shellfish treating the nitrogen. Some communities have installed permeable reactive barrier walls to intercept nitrogen. So, across the Cape, in addition to the progress Cambareri mentioned, with everybody doing some level of comprehensive wastewater management planning there's also a range of projects that people have been piloting to see how effective they can be as a solution to the nitrogen problem, or in a lot of cases as a compliment to sewerage some of the really developed core areas.

Richards asked if the nitrogen signal was shut off today, how long before the existing signal works through the system. Jones responded that it depends on the area and subsurface geology and distance, but roughly 7 to 10 years is the time of travel. Cambareri added that USGS is doing a huge study of one of the towns that was recently sewerage. This project will provide some of the best data available for recovery rate.

Jones responded on the comment on community support that MassDEP has been working for the past year with these communities right down to the last stage when we held independent office hours. MassDEP held 4 or 5 of those where there was a panel of 3 or 4 MassDEP staff, and the municipalities could show up and ask questions about the regulations seeking clarification. In addition, we reached out afterwards to several municipalities seeking clarification of their comments. So, we are confident that we have a substantial number of municipalities on board. With these regulations the comment that we've heard repeatedly over the past year from municipalities, individuals, and interest groups is, "Look, they're not perfect. They're not going to be perfect. There is no perfect answer for what we're confronted with here, but we've been kicking the can down the road for the last 25 years, and it's time to move forward." And, as Moran noted, the other nice thing we have about these regulations is the 2-year period where

nothing happens. Nothing goes live, nothing needs immediate response until the expiration of that 2-year period. So, the communities have time to consider these regulations, which they've done for the last year, in great depth, and they have time to work with their constituents to find out the best solution for them going forward, and as noted previously by Cambareri, many of these communities are already moving forward with CWMPs and TWMPs. They want this to happen. They need the momentum behind them with the rest of the communities on the Cape, pushing this forward. That was another comment we heard, "This has issues. Everything's going to have issues. But we need this momentum from the State to start moving forward."

Kluchman thanked her colleagues at MassDEP and asked whether there will be Title 5 changes coming later. Moran clarified that the Title 5 regulations are moving forward but are not required to come before the WRC. Kluchman commented that it would be helpful to see the Title 5 regulations nonetheless since these two packages are interrelated. Moran responded that MassDEP could make them available.

Kluchman highlighted the importance of pilot programs to fund nitrogen removal funded by her agency and MassDEP. She encouraged MassDEP to continue to fund pilot projects for public education and invited a collaboration with her agency around future grants. Rao supported this idea, stating it was a great example of why the WRC has broad agency representation to allow this type of collaboration. Kluchman noted she is also the recipient of Executive Order 145 notices of changes to regulations and wanted to make sure MassDEP had submitted these regulations appropriately according to those regulations.

Weismantel asked when the Title 5 regulations will be changed, will they meet the June deadline and are they subject to the lawsuit? Moran responded that they will be complete by the end of June.

Gottlieb reflected that this regulation package has been 30 years in the making. He encouraged the Commission members to vote in favor of this today. MassDEP has taken an extremely complicated and divisive topic and crafted a thoughtful and comprehensive response. These amendments finally address and incentivize everybody to move in the direction that decades of planning and scientific study have demonstrated is the right way for the Cape to address this nitrogen problem. We need these watershed permits. It's been demonstrated since the 208 program was adopted almost 10 years ago, that dealing with things on a watershed basis for Cape Cod for nitrogen is the right way to go. It is consistent with what the science says, and consistent with what the economics say is the least cost way to go about addressing our problem. It puts us in the position of no longer relying on a septic code that instead of being a source of restoration of the resources, is actually a source of the degradation of the resource.

Gottlieb then addressed the issue of why the rush. Sure, you have a lawsuit that needs to be resolved. But every single additional standard Title 5 system that goes in on Cape Cod tomorrow or next month adds to the problem and increases the overall public cost of remediating the nitrogen that comes from those systems. Conventional Title 5 systems simply fail to address our water quality needs, and the longer they stay in the ground and the more that are allowed to be put in the ground, the worse our problem becomes and the worse the public expenditure is going to become. While all the towns may not be 100% on board it's entirely consistent with where we've been moving for decades. And for the handful of towns that might have residual

concerns about moving forward in the direction that these regulations drive you toward, frankly, those are the towns that need these regulatory requirements more than any.

We can't get towns focused on the right thing to do for their communities and get into permitting situations without these regulations. Frankly, the sooner these regulations resolve the uncertainties that exist, the sooner we can get everybody focused on the same direction, and the sooner we can get everybody in our legislative delegation to focus on providing additional financial resources to the Cape communities to mitigate the impact on those people that are at least able to afford it. Gottlieb noted that delay costs us, so he would encourage the Commission to acknowledge that another month of deliberation is not going to change the fact that these regulations are the right regulations at the right time.

Gottlieb concluded stating that Title 5 hasn't had a meaningful upgrade since 1994, not because people haven't recognized that we need to do it to improve water quality, it hasn't happened because it's hard, and it's hard because the politics are difficult. And you are being asked to act today because the politics, the legal and financial aspects have all lined up for the first time in the last 30 years. Lots of work and outreach has gone into it. Too much hard work has gone into this to take that risk, so please vote on these today.

Rao thanked Gottlieb for his support, comments and framing of the issue with an important perspective from the Cape. Rao stated that this regulation package has the highest level of support from this Administration from the Secretary of EEA, up to the Governor's office. The Administration feels this is the right time to move forward and believes this regulation package provides the types of solutions we have been looking for, for years. We think this is the right time to bring this regulation forward. Rao, then requested a motion to approve these regulations.

V O T E	A motion was made by Cambareri with a second by Ragucci to approve the Watershed Permitting Regulations (314 CMR 21.00). The roll-call vote to approve was unanimous of those present.
------------------	---

Rao thanked MassDEP and the Commissioners, thanking Weismantel for changing his mind and for his yes vote. Rao opened the floor to Moran and Baskin and they in turn thanked everyone for the support. Rao then requested a motion to adjourn the meeting.

V O T E	A motion was made by Ragucci with a second by Weismantel to adjourn the meeting. The roll-call vote to approve was unanimous of those present.
------------------	---

Meeting adjourned, 10:24 a.m.

Documents or Exhibits Used at Meeting:

1. MassDEP Presentation: Title 5 and Watershed Permitting Regulatory Proposal (available at <https://www.mass.gov/doc/massdep-final-watershed-permitting-regulations-314-cmr-2100/download>)

Compiled by: AC

Agendas, minutes, and other documents are available on the web site of the Water Resources Commission at <https://www.mass.gov/water-resources-commission-meetings>. All other meeting documents are available by request to WRC staff at 251 Causeway Street, 8th floor, Boston, MA 02114.

Figure 1.

Title 5 Regulatory Revisions		
Regulatory Change	Primary Commenters & Reason for Change in Comments	What Was Changed
Focus solely on Cape Cod	Individuals/ municipalities/ officials: Give more time to non-Cape for planning; provide more focus on Cape	Limited DEP's ability to designate NSAs to areas subject to Section 208 Plan; made new TMDLs on Cape automatic
Change Title 5 5-year upgrade period to start 2 years after NSA designation	Individuals/ municipalities/ officials: need more time to comply.	Extended Notice of Intent Period from 18 months to 2 years; Title 5 upgrade timeline does not commence until after 2 yrs, if NOI or Watershed Permit is filed; NOI or permit application stops upgrade clock
Include provision for DEP to extend timelines	Communities/officials/individuals: Feasibility issues related to undersupply of equipment/ contractors	Added time extension provision
Revise Best Available Nitrogen Reducing Technology ("BANRT") definition	Municipalities/industry: Avoid monopoly, expand market; provide options for maximum feasible compliance and more flexibility;	Specified tiered ranges for BANRT, instead of one lowest value; include provision allowing discretion for DEP to designate additional systems as BANRT based on availability of systems and their performance

Figure 2

Figure 3

Watershed Permit Regulatory Revisions			
Regulatory Change	Primary Commenters & Reason for Change in Comments	Regulatory Provision	What Was Changed
Clarify ability to rely on prior MA Estuaries Project or other evaluation buildout scenarios	Municipalities: Reduce administrative burdens on applicants and provide more flexibility	21.03(2)(b)4.b	Added provision allowing this
Clarify permit may cover > 1 watershed	Municipalities: Reduce administrative burdens, provide flexibility	21.02 (watershed permit def)	Specified in definition
Clarify WMP may also address other pollutants	Municipalities: Increase flexibility and adaptability	21.02 (WMP definition)	Added provision to WMP definition

Figure 4

Watershed Permit Regulatory Revisions			
Regulatory Change	Primary Commenters & Reason for Change in Comments	Regulatory Provision	What Was Changed
Facilitate receipt of credit for prior Nitrogen reduction efforts	Municipalities/groups: Need to account for prior load reduction	21.03(2)(b)4.a	Added provision specifically requesting prior work
Change annual reports to 5-year reports but keep annual reporting of monitoring data	Municipalities: not necessary & reduce costs and administrative burdens	21.05(2); 21.10(8)&(10)	Changed to requiring five-year reports but maintained annual reporting of monitoring data
Delete requirement to analyze upgradient flows and other criteria	Municipalities: Redundant of other requested information	21.03(2)(b)8, 9, 12	Made change

Figure 5

Watershed Permit Regulatory Revisions

Regulatory Change	Primary Commenters & Reason for Change in Comments	Regulatory Provision	What Was Changed
Clarify significant vs. minor modification	Municipalities: need clarification and flexibility for changes as permit is implemented over the years	21.06(4)	Clarified provision and included provisions giving Department flexibility; also removed publication requirement for minor modifications because it is unnecessary and inconsistent with other permitting programs
Clarify permittees only responsible for load from within own borders	Municipalities: Need clarification and flexibility	21.03(1)	Added clarification provision
Clarify joint permittees not responsible for enforcing permit against each other	Municipalities: Requested clarification	21.03(1)	Added clarification provision