



THE GENERAL COURT OF MASSACHUSETTS
STATE HOUSE, BOSTON 02133-1053

December 9, 2022

Commissioner Martin Suuberg
Massachusetts Department of Environmental Protection
100 Cambridge Street, 9th Floor
Boston, MA 02114

Dear Commissioner Suuberg:

We write to you today to voice our concerns regarding the promulgation of new Title V regulations that are set to impact our districts. While we appreciate the need to curtail pollution and minimize nitrogen in the estuaries of Buzzards Bay, the current solution proposed by the Massachusetts Department of Environmental Protection (DEP) is troubling and has exhibited many shortcomings. We are disappointed by the lack of transparency and public access to information surrounding every aspect of this process. Hopefully, this letter will raise awareness of the following issues and lead to an alternative to the current proposal.

First, we encourage that the NSA "Stakeholder" Subcommittee, that was responsible for making Title V regulatory recommendations, have their membership and affiliations made public and easily accessible. A committee that wields so much power over the lives of homeowners should be held to an acceptable level of accountability and transparency. Without this knowledge being made public how can the citizens of the Commonwealth have faith that this committee represents all stakeholders fairly and has their best interests at heart? Advising impacted residents that they must file a public records request to obtain this basic information about a public committee is not acceptable. Numerous credible constituents have expressed to our offices that they have lost trust in DEP as a result of this issue alone.

Additionally, the one size fits all approach to the application of these regulations does not account for the diversity in the topography of the different regions being impacted by these proposed changes. There is no reason why the South Coast and Cape Cod should be lumped together and treated with the same regulatory standards. These regions are separate in every aspect including vastly different populations, industries, soil composition and coastal needs. Furthermore, each municipality within these regions function under a unique style of government. They all have different executive, committee, and regulatory structures that could impact how they are able to facilitate this mandate. Instead of bludgeoning these municipalities and their citizens into arbitrary frameworks more effort should have been put into tailoring solutions that are not only impactful but manageable for each town and city. Surely, the needs of Provincetown are not the same as the needs of a town like Dartmouth. When a change is made so unilaterally proper attention must be given to each community that is impacted and how the needs of each may vary.

Furthermore, more time is needed to review the science that is being used to back these regulatory changes. We believe the resolution of this issue has been placed completely and unfairly on the backs of the residents in our communities. There is evidence to suggest that only 15% of the nitrogen being leaked

into South Coast estuaries originates from household septic systems. The nitrogen surplus is being driven by private industries such as large scale for-profit composting. Despite this, the burden continues to fall on individual homeowners. The neighborhoods that will be impacted include veterans, the elderly, and the economically marginalized. Why should they shoulder the burden of this problem when there is evidence to suggest that private industry is at fault?

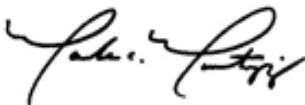
Finally, it is troubling that DEP's timeline seems to be based upon private litigation filed by the Conservation Law Foundation rather than sound scientific evidence. This litigation does not involve the Town of Dartmouth or any community within the Southcoast region. Nonetheless, our communities are being jammed into an arbitrary timeline agreed to by DEP and a private litigant on a matter that does not involve their particular city or town. This is not a fair nor acceptable process.

Before the DEP continues to steamroll these regulations into place, we are calling for a fair assessment of the problems at hand. There are important questions that need to be answered in a public and transparent forum. What are the affiliations and self-interests of the committee appointed to recommend these regulations? Do the proposed regulations apply in the most practical and impactful way for municipalities with diverse geographic and demographic identities? Do the proposed regulations address the issue at its root or are they an attempt to get homeowners to foot the bill of an ill-advised government project? To date, these questions have not been satisfactorily answered by DEP or the NSA subcommittee.

Respectfully, we request that more time be provided to properly understand and investigate the proposed Title V regulation changes. We hope with more time, greater transparency and attention to detail DEP will find the proper solutions to this issue. Our greatest concern is ensuring that the best interests of the homeowners in our districts are protected. We encourage DEP to refrain from implementing these regulatory changes moving forward.

If there are any questions, please feel free to contact our offices.

Respectfully,



Mark Montigny
State Senator
Second Bristol and Plymouth



Christopher Markey
State Representative
9th Bristol District