

Draft Discussion Guide for EPA SNEP Five Year Planning re: I/A Septic Systems

NEWEA Innovation Council

Bruce H. Walton, Maggie Theroux Fieldsteel, Julie Bliss Mullen

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Below are **issues and barriers** we (an informal sub-committee of the Innovation Council) see that need to be addressed to facilitate the accelerated commercialization and adoption of nitrogen removing innovative/alternative (I/A) onsite wastewater treatment systems (OWTS) in MA and RI. This is not a formal position paper, but rather a preliminary agenda setter for planning discussions. We do not presume that EPA can solve any or all of them, but here is where we see needing help and attention, along with some possible approaches. Please recognize that both I/A and EPA interactions are largely new to NEWEA and that the Innovation Council is newly formed. Our perspective here is largely driven by interactions with NGOs and innovators, not DPWs or regulators.

Inventory OWTSs in the SNEP Region

- It is not clear to us that granular information about the starting position is easily found or exists at all.
- Develop OWTS numbers broken down by town in terms of cesspools, Title 5 systems and I/A systems. This will help both to determine the potential regional market and to track/demonstrate the Program's effectiveness and impact over time. NEWEA also would benefit from this information.

New Laws and Regulations – The “Sticks” (eg. A “Title 6” at 11 mg/L performance levels)

- MA currently requires only Title 5 systems unless a town has passed an ordinance requiring I/A systems. What are the regulatory requirements in RI?
- Higher performing, higher priced systems (the former state of the art) have not been commercially successful largely because they have not been required by the State.
- In anticipation of successful Provisional test outcomes, help to draft model laws and regulations to require 11 mg/L or better on new, failed, upgraded or timed-out Title 5 systems.
- Identify and build teams of key legislators and top state officials, particularly in coastal communities and the Governors' offices to facilitate dialogue and find champions.
- Identify what the MA and RI regulators need for them to support this initiative (eg. A regional monitoring database, patterned perhaps on Barnstable's but to include sensor data).
- Close loopholes (e.g. intra-family transfer exceptions).

Funding Mechanisms – The “Carrots” with Options

- SNEP's small towns and communities will need help in funding upgrades to I/A systems. How can EPA, MA, RI and their communities create “carrots”?
- Suffolk County (Long Island) may have lessons learned in financing their septic improvement program. How can we collaborate with them?
- Could Impact Investing play a role?

Permitting Processes

- We need to streamline Provisional to General permitting for high potential technologies. Permitting is too costly and time consuming. It is considered “onerous” by companies developing these technologies. As a result, some have ignored our market.
- Permitting is now state-by-state. Can we revive the draft NE interstate data sharing agreement? And use the sensor, and other efficient approaches, as secondary confirmation tools in addition to the required grab sample quarterly monitoring?

RME – Responsible Management Entities

- Help define parameters for RMEs.
- Build ownership/O&M management models and educate the SNEP communities on “how to”.

Cost and Liability Sharing

- Develop models to share cost (both acquisition and O&M) between owner and town tax base to bring I/A on a consumer cost par with centralized approaches.
- Who pays to fix or replace a non-performing Provisional Permit system? Need risk mitigation. Should there be an insurance plan?

Additional Issues & Needs

- Develop the next step beyond the Nitrogen Sensor Challenge. Who is going to collect, monitor, analyze and post the sensor data? Set up a regional entity.
- Develop SNEP data on towns’ stormwater approaches.
- Develop regional purchasing power to lower the cost of top performing I/A systems. Facilitate regional purchasing agreements. The SNEP OWTS inventory would be important for negotiating such agreements.
- Identify and champion promising I/A OWTS technologies through challenges, competitions and grants.
- Develop systems to help towns and communities identify priority parcels which will not be sewerred.
- Communication strategies – Develop a SNEP community Consumer website to simplify the I/A upgrade decision and acquisition process for businesses and homeowners. It is currently a very complex and confusing process. Use Suffolk County, NY. as a model.