

Waters' green slime needs green to clean

By DOUG FRASER
STAFF WRITER

With the daunting costs of addressing high nitrogen levels in Massachusetts lakes, ponds and waterways becoming clearer, state regulators find themselves facing an equally challenging task - persuading taxpayers to shell out the money for solutions.

Across the Cape, coastal waters are showing the effects of excess nitrogen, coming largely from residential septic systems. Nitrogen acts as a fertilizer in water, just as it does on lawns, promoting the explosive growth of algae that compromises water quality and threatens marine life on a wholesale scale.

For the past five years, the state and municipalities have been gathering information about the levels and sources of pollutants in coastal waters as part of the Massachusetts Estuaries Program.

The cost estimates are staggering. In the two Cape towns furthest along in the process, estimates are that it will take \$300 million to install sewers for the remainder of Chatham and \$500 million for sewers to protect coastal ponds in Falmouth.

Say it with dollars

State Department of Environmental Protection officials are hoping the cooperation they have received in studying nitrogen levels will now be matched by actions to fix the problem.

"We are a regulatory agency, but we are trying to emphasize how important it is to towns to have clean water," said Ed Coletta, spokesman for the state Department of Environmental Protection.

Coletta said there has been a lot of cooperation from towns, so far. "We hope that remains the case," he said.

The state is compelled under the federal Clean Water Act to list all water bodies that have water quality issues. The state is also required to establish maximum daily limits of contaminants flowing into each water body beyond which the water won't support fishing, swimming or marine life.

Not a sexy issue

While the state has enjoyed cooperation with town committees to address nitrogen problems, homeowners don't pay a lot of attention until they're presented with the bill, according to state Rep. Matthew Patrick, D-Falmouth.

"There's always competing issues that are more immediate than environmental issues - like schools, affordable housing, the homeless," Patrick said. "I don't think anyone will force a town to do it."

If taxpayers say no to expensive nitrogen fixes, or drag their feet, federal, state and local governments have little leverage over homeowners. Coletta said his agency could issue heavy fines to towns and/or write an enforcement order laying out what needs to be done to comply with the Clean Water Act. The enforcement order could also contain fines if deadlines are not met by a town, but Coletta said his agency wants to avoid such a punitive approach.

Hogtied on septic

Through its discharge permits, the federal government has great power over industry, wastewater treatment plants and other large-scale entities that release waste into water bodies, but federal regulators are relatively powerless when it comes to residential septic systems.

"At this point in time, there (are) no teeth in what the DEP is saying. They are, more or less, relying on the towns to go along," said Bradley Stumpcke, chairman of two Falmouth committees dealing with wastewater issues.

The DEP's nonconfrontational approach could mean enforcement may be left to litigation, either by a private citizen or an environmental group.

While Cape homeowners are unlike a notorious factory dumping untreated waste into a river, Conservation Law Foundation Vice President Peter Shelley said the actions of Cape residents can have a significant impact on their environment.

Aggressive action lacking

"It really is a remarkably sad situation that groundwater on the Cape is in such bad shape that it violates the Clean Water Act when it discharges into the sea," he said.

Shelley added neither the state nor the federal Environmental Protection Agency has ever taken aggressive action against municipalities for sewage problems.

"We're not counting on them to do that now," he said.

Shelley said proposals to take 25 years to solve the problem on Cape are not an acceptable time frame given the extent of the problem.

"We are taking a pretty serious look at what the legal options are to backstop what the municipal and political will does," Shelley said.

"A complete ban on new building permits would certainly be a legal method that could be threatened."