GREAT BAY MUNICIPAL COALITION

March 19, 2018

VIA FEDERAL EXPRESS & EMAIL
Alexandra Dunn, Regional Administrator
USEPA Region 1 – New England
5 Post Office Square
Mail Code: ORA01-4
Boston, MA 02109-3912

RE: Request for EPA Action on Dover NPDES Permit and WLA Determination for Pease International Tradeport WWTP

Dear Regional Administrator Dunn:

We wish to thank you again for meeting with the Great Bay Municipal Coalition cities (Dover, Portsmouth, and Rochester) to discuss the current ecological status of the estuary and the pressing permitting needs of our communities. The Coalition members have strived to ensure their facilities are well operated and fully protect the ecological resources of this unique system. As we discussed, there has been extensive monitoring of the system, voluntary nutrient reduction efforts, and detailed expert analyses of factors influencing various ecological concerns for the Great Bay Estuary since EPA last issued permits establishing nutrient reduction requirements at several major municipal facilities that flow directly into Great Bay (i.e., Exeter and Newmarket). Our meeting gave us an opportunity to discuss the latest scientific evidence and how we believe this evidence should be reflected in pending NPDES permit decisions of the Coalition cities that do not discharge directly into Great Bay (i.e., those discharging to the Piscataqua River or its tributaries). The attached comprehensive analysis provides an up-to-date summary of the data and evaluations collected in the Estuary with respect to cultural eutrophication and ecological endpoints of concern. (Attachment) In the coming months, the Coalition plans on preparing an additional analysis to address the Cocheco River (also tributary to the Piscataqua River). Updates to the existing state dissolved oxygen criteria, as mandated to the state legislature in 2017, are also expected to further resolve any residual cultural eutrophication concerns for that system.

As discussed during our February 6, 2018 meeting and presented in the more detailed summary analysis, there are no presently demonstrated cultural eutrophication impacts in the Piscataqua River or Great Bay. In recognition of the current scientific information, New Hampshire's 2016 Section 303(d) listing has also determined that narrative criteria exceedances related to nutrients are not demonstrated

for the Piscataqua River or Great Bay. Consequently, we would respectfully observe that, at this time, there is no apparent scientific or regulatory basis for establishing TN impairment thresholds for these estuarine waters or for requiring additional TN reductions beyond those already implemented or in progress due to prior EPA permit actions. Research is ongoing with regard to a number of pending concerns, some nutrient related, many others not, but the recent water quality for these waters has been quite stable and improving for some time. When the new Portsmouth Pierce Island facility and those of Newmarket and Exeter are fully operational, further net reduction in nitrogen levels throughout Great Bay and the Piscataqua River system will be realized. Thus, there is no significant ecological risk associated with deferring additional nutrient reduction measures at this time.

In view of this information, we request that EPA take the following actions:

1. Issue a wasteload allocation (WLA) determination for Great Bay and Piscataqua River indicating that further TN reductions are not warranted at this time to address potential cultural eutrophication concerns. This action will allow the Pease International Tradeport WWTF expansion design to move forward with respect to nitrogen reduction. Given the major reductions in progress for the Portsmouth Pierce Island plant, a significant overall net TN reduction will still occur in the lower Piscataqua area where these facilities discharge;

2. In accordance with the above-referenced WLA decision, issue a final NPDES permit to the City of Dover without limits for TN, but require the facility to continue to operate its voluntary TN reduction system improvements, consistent with attaining compliance with its other effluent limitations, as it has been doing since 2016. This will further ensure that improved system water quality will be maintained, pending the outcome of future studies.

Given the most recent Piscataqua River Estuaries Partnership assessment (funded in part by EPA) also concluded that further study is necessary to better understand the many factors affecting eelgrass in the Estuary, we believe that the requested actions are both reasonable and appropriate. Under this approach, nutrient loads associated with point source dischargers will continue to decrease over this time while efforts to understand how nutrients affect this system are being evaluated. However, additional major plant improvements would not be imposed until they are demonstrated to be necessary for system protection.

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We look forward to your support for and action on this request.

Sincerely,

Dean Peschel

Attachment

cc: Governor Chris Sununu
Senator Margaret Wood Hassan, New Hampshire
Senator Jeanne Shaheen, New Hampshire
Congresswoman Carol Shea-Porter
Ashley Motta, Constituent Services Representative for Congresswoman Shea-Porter
J. Michael Joyal, City Manager, City of Dover
John P. Bohenko, City Manager, City of Portsmouth
Mayor Caroline McCarley, City of Rochester
Daniel Fitzpatrick, Rochester City Manager
Peter Nourse, Director of Services, City of Rochester