

From: David Green <david.green@rochesternh.net>
Sent: Wednesday, September 25, 2019 1:43 PM
To: Wyatt, Joshua <J.Wyatt@dover.nh.gov>; John Hall <jhall@hall-associates.com>; Sherilyn Burnett Young <sby@rathlaw.com>; Peter Nourse <peter.nourse@rochesternh.net>; Storer, John <J.Storer@dover.nh.gov>; Peschel, Dean <dean_peschel@yahoo.com>; Tom Gallagher <thomas.gallagher@hdrinc.com>
Subject: RE: [External] RE: Tomorrow's pre-meeting will start at noon

Hi Joshua, excellent notes of the meeting, thanks for sharing – just a few suggested edits.

One of the comments that really stuck out from Clarks coaching moment is when he said that the two things that will be needed for EPA to consider an alternative approach is 1) we have to show that what we are suggesting will really hurt (emphasis on really) financially and 2) would have to have CLF by in (approval). I think that this is important to document in a regulator perspective?

You touched on Teds comment that even if the model (science) shows that where we are now is good enough (shows healthy system) EPA will not except that..... we have to do more.

Voluntary watershed permit approach is not voluntary. If any community does not want to follow the watershed permit they will have to sue EPA to get out of it. It will be issued to all communities.

On Non-Point source - It doesn't matter if you can't meet % reduction all you have to do is show them that you are spending lots of money and that you are trying.

Clark – believes that the Latimer approach is scientifically defensible and if we challenge we will lose.

End of suggested edits – please feel free to comment.

Side notes:

there is a lot of reference to CLF approval need before EPA will issue permit. If I remember correctly during the congressional hearing in Exeter – Curt Spalding, while under oath, was asked to review an EPA internal email (discovered under a FOIA request) which stated (I paraphrase), EPA will draft a TN permit to an 8 mg/l (I think) and let CLF respond. If they don't think it is low enough then EPA will lower it to a 3 mg/l. Spalding was asked if this is standard EPA protocol to request approval from and environmental advocacy group before issuing permits. He stated that this is not policy or protocol for EPA and that this should not have happened. What has changed – EPA or DES have not been shy about stating that limits must pass CLF's approval before they agree to any nutrient limits that will be put into a permit?? May want to revisit transcript and remind EPA that they don't work for CLF?

Clarks understanding of an adaptive management approach is backwards. Suggest that we submit EPA's own adaptive management guidelines to both DES and EPA for review. It appeared that everyone in the room understood dean's explanation of adaptive management except for Clark. He was suggesting (in my interpretation) was start at an unachievable limit and work our way up.....

Thoughts?

Thanks, Dave

From: Wyatt, Joshua <J.Wyatt@dover.nh.gov>

Sent: Thursday, September 19, 2019 7:21 PM

To: John Hall <jhall@hall-associates.com>; Sherilyn Burnett Young <sby@rathlaw.com>; Peter Nourse <peter.nourse@rochesternh.net>; David Green <david.green@rochesternh.net>; Storer, John <J.Storer@dover.nh.gov>; Peschel, Dean <dean_peschel@yahoo.com>; Tom Gallagher <thomas.gallagher@hdrinc.com>

Subject: [External] RE: Tomorrow's pre-meeting will start at noon

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All-

Here is a copy of my notes from today. Pardon typos. I also didn't take notes for some of our group's comments toward the end stressing peer review and appeal of permit.

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From: John Hall <jhall@hall-associates.com>

Sent: Thursday, September 19, 2019 11:21 AM

To: Sherilyn Burnett Young <sby@rathlaw.com>; Peter Nourse <peter.nourse@rochesternh.net>; David Green <david.green@rochesternh.net>; Storer, John <J.Storer@dover.nh.gov>; Wyatt, Joshua <J.Wyatt@dover.nh.gov>; Peschel, Dean <dean_peschel@yahoo.com>; Tom Gallagher <thomas.gallagher@hdrinc.com>

Subject: RE: Tomorrow's pre-meeting will start at noon

Team,

Suggested edits on Tom's slides.

John

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From: Sherilyn Burnett Young <sby@rathlaw.com>

Sent: Wednesday, September 18, 2019 2:01 PM

To: Peter Nourse <peter.nourse@rochesternh.net>; David Green <david.green@rochesternh.net>; John Storer <j.storer@dover.nh.gov>; Wyatt, Joshua <J.Wyatt@dover.nh.gov>; Dean Peschel <dean_peschel@yahoo.com>; Tom Gallagher <thomas.gallagher@hdrinc.com>; John Hall <jhall@hall-associates.com>

Subject: Tomorrow's pre-meeting will start at noon

Hello folks,

At Dover's request, we will start our pre-meeting at noon. HDR folks will likely arrive earlier, so I've make arrangements for that. The call-in number for the pre-meeting is: 802-503-0693 Pin 756473#.

Best regards,

Sherry

Sherilyn Burnett Young
Attorney-At-Law

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