

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

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To: Blaine Cox <blaine.cox@rochesternh.net>; Terence O'Rourke <terence.orourke@rochesternh.net>; Storer, John <J.Storer@dover.nh.gov>; Wyatt, Joshua <J.Wyatt@dover.nh.gov>; Michael Bezanson <michael.bezanson@rochesternh.net>; Joyal, Michael <M.Joyal@dover.nh.gov>

Subject: Conversations with Clark Freise

Importance: High

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In my call last evening with Clark Freise, he made the following points:

1. Clark and Ted pressed (in a conference call only – there was no follow-up meeting) the alternative endpoint we had discussed as a way to bridge the gap.
2. EPA's response was that it is essentially "done" with the permit draft, and does not plan on changing the loading factor.
3. EPA will consider an alternative TN concentration endpoint as an "off ramp" down the road if we can offer to them a well-reasoned, scientific basis for doing so.
4. EPA made to Clark and Ted many of the same comments that Clark made to us in our meeting regarding the sound basis for the peer-reviewed research papers on which the loading is based, the fact that we were "dilatatory" in not offering a solid alternative for them to consider when we "had the chance," and that they were under tremendous pressure by EPA HQ to get these permits completed in a timely way.
5. EPA expressed concern that if it were to change the loading factor, it would have to go out for public comment again, the process would be delayed up to a year, and at the end EPA has no faith that we won't appeal that permit anyway.
6. EPA didn't say this directly, but Clark got the impression that EPA has no sense of "good will" left on its or our part in the negotiating process, and is simply ready to proceed as is.
7. EPA does not believe that any WWTF except for Rochester (and possibly one other town) will have to upgrade now to meet the terms of the permit. Believes Dover and most all the others can operate WWTF without expensive upgrades, at least for the foreseeable future.
8. EPA cannot agree to any load increases in nitrogen into GBE, so if Cities have to upgrade over time to be able to grow, that will be required.
9. EPA will be posting a public response to some of the questions that Suzanne raised about connecting more residences to the sewers, or accepting other communities sewerage, which will impact its load limits.
10. Clark suggests that we should write up our proposal regarding an endpoint we can accept, support it with a well-reasoned scientific analysis, and put it into the public comments.
11. Clark also suggested that we have a strong independent review of the HDR model and put that in the public comments. He agrees that having the HDR model will be an important tool as we obtain data going forward.
12. He also once again urged that we develop the detail of how we measure and define success, or the "off ramps" that he discussed with us the other day.
13. He is prepared to convene a meeting to begin those discussions asap.
14. He still is convinced that the off ramp analysis is most critical in this permit.

Clark called back this morning with another thought on how to seek to close the divide:

1. We should communicate directly with EPA because having DES as our go-between clearly is not working.
2. We should write up our proposal on an endpoint, including what our current baseline is, what our proposal would drive us towards in TN reductions, how and where we would measure TN concentrations throughout the Bay, and where we propose we'd end up.
3. He suggested having an engineer write a technical paper describing all of the above, and submit it to EPA as soon as possible. It should be considered public comment, but getting it in early could *possibly* generate earlier discussion with EPA.

Clark is available this afternoon if we wish to speak further with him regarding any questions.

Best regards,

Sherry

Sherilyn Burnett Young
Attorney-At-Law

Rath, Young and Pignatelli, P.C.

National Impact. Uniquely New Hampshire.

One Capital Plaza
Concord, NH 03302-1500

T (603) 226-2600
F (603) 226-2700
E sby@rathlaw.com
www.rathlaw.com



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