

HALL & ASSOCIATES

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January 31, 2020

VIA FOIA ONLINE

Regional Freedom of Information Officer
U.S. EPA, Region 1 (OARM01-6)
5 Post Office Square, Suite 100
Boston, MA 02109-3912
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RE: FOIA Request Regarding Effect of Meeting 100 kg/ha-yr TN Watershed Load in the Great Bay Estuary

To Whom This May Concern:

This is a request for public records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, as implemented by the Environmental Protection Agency (“EPA”) at 40 C.F.R. Part 2.

Background

EPA has indicated in various meetings and correspondence that the Great Bay Estuary is impaired by nitrogen and those nitrogen levels are precluding the restoration of eelgrass beds to historical levels. EPA has also stated that the maximum TN load to the system cannot exceed 100 kg-TN/ha-year, as such loading precludes eelgrass presence in estuarine embayment. *See*, draft General Permit issued January 2020.

Request

This request seeks:

- Any records developed by DES or EPA identifying or evaluating the resulting ambient TN concentrations that would occur from establishing a 100 kg/ha-yr load limitation for Great Bay Estuary.
- Records regarding EPA’s determination that 100 kg/ha-yr is a valid interpretation of the state narrative criteria for nutrients and/or that such watershed load is required to ensure narrative criteria compliance.

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This request only seeks existing agency records and does not ask for the agency to conduct any new analysis or develop new records.

Please contact the undersigned if the associated search and duplication costs are anticipated to exceed \$100.00. If the requested documents are withheld based upon any asserted privilege, please identify the basis for the non-disclosure.

If you have any questions regarding this request, please do not hesitate to contact this office so as to ensure that only the necessary documents are duplicated.

Respectfully,

//s// Erin Thomas
Erin Thomas