



STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR

CHRISTOPHER T. SUNUNU
Governor

January 24, 2018

Scott Pruitt, Administrator
USEPA Headquarters
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N. W.
Mail Code: 1101A
Washington, DC 20460

Dear Administrator Pruitt,

I am writing regarding a meeting I recently had with the Great Bay Coalition, a group consisting of the cities of Rochester, Portsmouth and Dover, New Hampshire. I met with them at their request to discuss the tremendous effort the Coalition cities have made to reduce nutrient discharges from their respective wastewater treatment facilities (WWTF) and stormwater as well as their concerns and frustrations with EPA Region 1 permitting staff regarding the wastewater NPDES permits for these communities.

In the past, Region 1 has suggested that they intend to impose limits of technology in their NPDES wastewater permits for nutrients – that is, 3 mg/l for Total Nitrogen (TN) discharges. As I understand it, EPA has assumed that these low nutrient limits are necessary to restore eelgrass in the Great Bay Estuary (GBE). However, several national experts that have looked specifically at this issue have found that there is currently not enough information to make the determination that nitrogen is the primary factor in eelgrass degradation. More data and scientific study are needed to fully understand the state of the GBE.

The Coalition cities have voluntarily implemented significant nitrogen reductions to their wastewater discharges as part of an adaptive management strategy to test the estuary's response to the reductions before spending tens of millions of dollars to achieve further reductions. Rochester, for example, has taken steps to reduce total nitrogen (TN) discharges by more than 80% from historic levels, from averaging 40 mg/l or higher to below 10 mg/l and have achieved below 8 mg/l during summer months. Rochester has also seen impressive total phosphorus (TP) reductions of about 60% for the 2015 growing season compared with prior average levels. The City of Dover constructed an upgrade to its WWTF that came on-line in September 2015. Its TN effluent concentration has dropped from 23 mg/l to less than 8 mg/l during the growing season. The Towns of Newmarket, Durham, and Exeter have or are in the process of implementing TN reduction at their wastewater plants that discharge to the GBE. I understand that these and other load reductions have resulted in improvements to ambient TN levels in GBE approaching or even meeting those levels that may be fully protective of eelgrass populations.

The City of Portsmouth entered into a consent decree with EPA to upgrade its Pierce Island WWTF that includes an action level to operate to meet a seasonal 8 mg/l TN once its \$92 million treatment system is fully operational in April 2020. In the meantime, Portsmouth has an immediate need to upgrade its second WWTF at the Pease International Tradeport in order to upgrade aging facilities and accommodate the significant growth of a major regional employer located at the Pease International Tradeport. That design and construction effort is hindered by EPA's potential requirements to meet a limit of technology permit for TN.

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If EPA imposes these low nutrient limits at its WWTF, it will cost the City of Rochester more than \$22 million for facility upgrades, plus a million dollars or more a year in operational costs. Those costs would double its sewer rates to residents and businesses. Large industrial users in the City may decide to relocate for cheaper costs, further increasing the rates for remaining residents and businesses. Dover and Portsmouth face similar concerns if forced to do further upgrades to their facilities to meet a 3 mg/l TN limit. Given the experts' acknowledged lack of data to support the need for additional nitrogen reduction, I can understand why these communities question the benefit of incurring these costs.

At a recent meeting, the Commissioner of the NH Department of Environmental Services, Bob Scott, stated that what was important was the water quality improvements to the environment, not from where the improvements come. Use of limit of technology standards for WWTFs where more environmentally beneficial solutions could be found through other venues at less cost is counterproductive and unnecessarily burdensome.

New Hampshire's communities have a long and proud history of protecting our precious natural resources, including our many lakes, rivers, and bays. The Coalition communities have demonstrated a willingness to take appropriate actions to improve water quality in the Great Bay Estuary, and those actions should be appropriately recognized.

I had previously reached out to your office to request that when a Regional Administrator for Region 1 was confirmed that they meet with our towns over this issue. I was happy to learn that newly confirmed Region 1 Administrator Dunn and Assistant Administrator Ross are coming to New Hampshire to meet with members of the Great Bay Coalition. This is an important issue for New Hampshire and I appreciate quick engagement with our communities.

I further invite you to visit New Hampshire, for a discussion focused on how we can find smart ways to protect our environment that doesn't shut down the economy. I believe we can develop a sensible and scientifically based approach that recognizes the tremendous progress these communities have made protects our environment and provides the resources to our communities so that they can continue with a sustainable and balanced approach to protecting the estuary.

Sincerely,



Christopher T. Sununu
Governor

CC EPA Region 1 Administrator Dunn
EPA Assistant Administrator Ross