

**NEW DURHAM BOARD OF SELECTMEN
Public Information Session -
New Durham Community Room
October 25, 2018, 6:00 p.m.**

Final Approved 11-12-18

Present:

Chair David Swenson
Selectman Cecile Chase
Selectman Dorothy Veisel

Also Present:

Scott Kinmond, Town Administrator
Phil Whitman, Alton Selectman
Raymond Howard, NH State Representative, District 8 Belknap
Dave Niels, Chief Aquatic Biologist, NH Department of Environmental Services
Jason Smith, Chief of Inland Fisheries, NH Fish and Game
Michael Harrington, NH State Representative, New Durham/Strafford
Mac Zellem, Budget Director, Office of the Governor
Glenn Normandeau, Director, NH Fish and Game
Bob Scott, Commissioner of NH Department of Environmental Service
Jamie Houlihan, Chief Industrial Permitting U.S. EPA New Hampshire Region
30 – 40 members of the public

Call to Order

Chair Swenson called the public information meeting to order at 6:03 p.m. He noted this informational session was requested from the Governor's office, with members of State Departments (Environmental Services & Fish & Game, the two local State Representatives, U.S. EPA Regional Office, Cyanobacteria Mitigation Committee, and the Towns of Alton and New Durham.

Mike Gelinas gave a presentation on the background of the problems with the phosphorous loading from the Powder Mill Fish Hatchery. The legacy problem of phosphorus was explained as well as existing discharges used. A diagram of the hatchery was presented along with an explanation of the amount of potential phosphorus put in to the local water. Pictures of the local water body were presented showing the extensive growth of algae and cyanobacteria. It was noted these water bodies, including Marsh and Jones Pond, have some of the highest levels in the state. A report of 2006 indicates the fish of the ponds may not be safe for consumption.

Chair Swenson stated about a year ago it became clear that the cyanobacteria and pollution of the local water bodies was a problem and the New Durham Board of Selectmen worked to form a collaborative entity, the Cyanobacteria Mitigation Committee, with the Town of Alton along with our State Representatives and applicable NH State Departments.

Mac Zelle, Budget Director, Office of the Governor, stated it is clear there is great concern about this issue and work to be done and stated there will need to be discussion about the round of permitting that will be necessary for the capital upgrades to be done by the State Fish & Game Department in conjunction with permitting levels generated from the NH Environmental Services and U.S. EPA.

Bob Scott, Commissioner of NH Department of Environmental Services, explained the permitting program which is handled by the U. S. Environmental Protection Agency. He stated they will work closely with them noting any plans or treatments for the fish hatchery will be a long process.

EPA Region 1 Chief Industrial Permitting Houlihan explained the permitting process and stated they were made aware of the issues surrounding the hatchery in 2016 and it has been made a higher priority, with many visits to the facility and to work with the State. He explained they need to establish the appropriate waste load into the water bodies to ensure appropriate water quality. It was noted a comprehensive approach to the entire watershed would likely be the best approach. It was noted a survey is currently being conducted to summarize the needs of the water bodies and to determine the appropriate numbers.

Fred Quimby, Chair of Cyanobacteria Mitigation Steering Committee, stated the goal is to have the final approved water shed management plan by June 2019. He noted there will be a public hearing at that point.

Commissioner Scott explained the long term issue with some sort of a treatment facility, noting the discharges are currently permitted and there is no phosphorus number associated with that permit. It was noted the renewal would need that number in order to develop a design for a system of management along with a cost. This would also imply the need of a capital appropriation from the legislature to implement the required design, installation, and implementation to mitigate the Fish & Game hatchery process to reduce the level of phosphorous output.

A resident asked why it is so hard to get the needed phosphorus number and suggested going for the optimal number. Mr. Scott stated this issue is being faced by all the hatcheries and the only way to get to the optimal number of "0" would be to close all the facilities. Chair Swenson stated agreeing to an optimal number for phosphorous output for the hatchery was discussed by the Cyanobacteria Mitigation Steering Committee and it was recognized that even with a specific number agreed to it is not a quick fix problem as it will take time to install any needed equipment to reduce the current phosphorous discharge. He stated clearly that the Committee wants to work with the State to improve the environmental situation for both the short term and long term.

Mr. Zelle explained the process for moving forward which includes the application for a permit by the State Fish and Game followed by a request for capital appropriation through the Governor's Office. He stated the first step would be to get a design and plan

to determine the funds that will need to be requested, noting it would be presented for the next budget cycle with potential approval in June 2020.

Jason Smith, Chief of Inland Fisheries, NH Fish and Game, stated the last time the hatcheries were up for permitting was in the early 2000's. A lot has changed as far as management and operational practices and they continue to work to get the solids out of the hatcheries before it sits and breaks down in to the water sources. He also explained the expenses for equipment designs but there is also a need to set a number for the phosphorus so that they can proceed to design the appropriate equipment to reach that permitted level. There was also explanation of the importance of the watershed management plan which will consider all the various sources that come in to the water bodies surrounding the watershed.

David Bickford, resident, questioned why the number of the water coming out shouldn't be the same as the water going in.

A resident asked for clarification on the budget appropriation schedule and if it would be done sooner. Mr. Zellem stated it still hinges on the management plan along with proposed cost. There is potential for establishment of a permitted number allowing for a draft design to get the budget presentation request ready sooner.

Tom Irwin, Vice President Conservation Law Foundation from the audience, commended Alton and New Durham for the work done on this project and explained the "Black Letter" law which addresses facilities which contribute to water quality violations. He stated he does not understand why the facility is not going to the technological limits to protect downstream resources. Mr. Irwin explained the technologies used in the towns of Exeter and Newmarket and suggested that is what the EPA needs to do.

Mark Sullivan, New Durham resident, stated he has been involved with the water quality testing for the last 15 years noting the 30-year data maintained by UNH shows the overall water quality of Merrymeeting Lake has not changed during that time. He stated he understands the importance of the number and the need to develop a system to handle the output of the facilities as well as the fact that there could be a significant cost difference between the numbers, however, he sees it most realistic that they will have a system in place in three years. Mr. Sullivan asked if there is something that can be done in the interim. Mr. Smith replied that with the current management plans and facilities they are doing the best they can and he does not have equipment or infrastructure in place to help with this at this time. He does not want to put a lot of money into something that will get ripped out in a couple years.

Mr. Quimby stated the Town owns a sandpit and has offered for the hatchery to dump a day's worth of vacuuming solids at a time where it can be safely sequestered from the river and water sources. He recommended having engineers taking a look at the sandpit and this could begin almost immediately noting the sandpit is accessible year-round.

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Raymond Howard, NH State Representative, questioned how this would be viewed by the NH DES and EPA.

Mr. Smith stated he simply doesn't have the equipment to haul the waste at this time but if he did, he would be open to considering the proposal.

Art Hoover, New Durham resident, stated Jones Pond was suitable for swimming and recreation when they bought their property in the 1980's, and in the last couple years they started seeing the bacteria negatively impact the river. He stated it has dramatically affected the value of their property and understands it will not be fixed quickly but wants to know how the discharge will be handled short term while the long term plan is being put into place.

There was further discussion of a realistic time line with gathering the necessary data as well as time required for implementation of a plan. A resident recommended reducing the amount of fish at the facility in order to reduce the output. Chair Swenson replied that is not a likely option as it would simply move the problem to another community. Mr. Quimby asked NH DES if they would be working to secure grant funding for these restoration activities. It was clarified there are programs out there and reiterated the importance of the plan to support the requests for funding as well.

Nancy Bryant, New Durham resident, stated it was already noted that they should be pursuing the best available technology to remove as much phosphorus as possible but the problem seems to be the financial side but the state has a responsibility for cleaning up their pollution of the state's waters. She stated that if this had been a private business operation, EPA would have shut this down already; noting the watershed management plan will be great but something needs to be done interim and immediately. Mr. Houlihan, Chief of Industrial Permitting U.S. EPA indicated that in his 30 years of experience with EPA he has not shut down any facility immediately.

Cathy Orlowicz, New Durham resident, stated solid waste facilities have a set amount of phosphorus they are allowed to dump and asked why that number couldn't be applied here. It was replied that the specific watershed determines the level permitted.

NH State Rep. Harrington asked why they can't issue a permit based on the best available technology. There was explanation of the permitting process as well as the water quality standards that have to be met for a permit to be issued. It was also noted that the Clean Water Act does not allow cost to be a factor in consideration of the permitting process.

Cecile Chase, New Durham Board of Selectmen and abutter to the fish hatchery, stated an important factor to keep in mind is the dependence of the NH economy on tourism, which includes the fish and fishing of local water bodies.

Mr. Zellel reiterated the State is working to make the best decisions on the best available science and are welcoming to ongoing discussions throughout the process.

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Mr. Glen Normandeau, NHF&G Director, stated that Powder Mill Fish Hatchery is unique in that it allows mix water temperatures to provide optimum fish hatchery process for the type of fish raised there. He reiterated that the NHF&G is committed to do the right thing because they have five more hatcheries which may also be impacted.

Mr. Scott, Commissioner NH DES, commended the two communities for initiating the Watershed Management Plan study as it puts this ahead of what it could have been had the study not been initiated.

State Rep. Herrington stated the key is to get a budgetary number for the needed changes so that it can be put into the next budget cycle. Otherwise it would need to wait another two years.

Mr. Swenson, Chair New Durham Select Board provided a brief summary of the discussion which included some first steps for the NHF&G to do now including use of the Town's sand pit to alleviate direct discharge into the Merrymeeting River, providing the fish sludge to local agricultural needs, and review of other management practices that could mitigate the current discharge amounts; midrange steps including completion of the Watershed Management Study, issuance of the EPA permit, 15% engineering design study, and introduction in the next NH State Budget for complete capital investment to resolve the issue; and longer range actions including construction of all capital equipment and processing changes along with implementation of all required operational changes to resolve the issue.

The meeting was closed at 7:35 p.m.

Respectfully Submitted,

Jennifer Riel, Recording Secretary