

Draft Minutes of the Meeting with the EPA by phone on 7-11-2018  
New Durham Town Hall  
Town Administrators Office  
Wednesday, 7/11 at 2PM

Present: Peter Clark from Senator Shaheen's Office; Danielle Gaito from Permits, EPA, Region 1; Jamie M from EPA ,Permits, Region 1;Kelsey Dumbille Congressional liaison; Scott Kinmond New Durham TA; David "Swens" Swenson, Selectman; Jason Smith, Director, Inland Fisheries, NH F&GD; Fred Quimby, chair, Cyanobacteria Mitigation Steering Committee(CMSC).

Scott telephoned into the session at 2:00PM and each party introduced themselves. Kelsey asked if we would like to begin with a review by the EPA and everyone agreed.

Jamie and Danielle discussed the fact that due to our letter of September 2016, outlining a problem in the Merrymeeting River, the EPA has handled this re-issuance of a discharge permit as a priority. In the Fall 2016 the EPA asked the Powder Mill State Fish Hatchery to provide more information requiring additional testing at the outfalls over the next year. In Spring 2017 the EPA decided to conduct it's own survey of the river water quality and they met with the MMR Water Quality Working Group to be sure the same areas were being monitored. Samples were collected from June to December, 2017. During this past year the PMSFH has been chosen to be one of three top priorities for permitting.

Swens asked when we can expect to see a new permit. Jamie said not for another year. Swens insisted that this was unacceptable. He was asked what would be acceptable and Swens answered this August and explained that without any concrete number of a discharge limit we didn't know how to engineer the treatment facility. Jamie explained that meeting this goal of August was impossible since they need to release a draft permit, allow 30 days for public comment, allow 60 days for scientific validation of the comments made, and another month or so for final re-issuance of the final permit. Swens replied he didn't expect a final permit but a draft with a limit placed in it on phosphorus so work to design a plan and to budget the construction costs through the State legislature. The EPA understood our dilemma but could not promise an August delivery date for a draft permit.

Swens then asked whether or not a change in the PMSFH Best Management Plans could be implemented without EPA approval. Jamie responded that unless we were proposing some major change, like the relocation of the outfalls, this could be done by simply notifying the EPA. Fred asked if we decided to forgo the use of the settling ponds and apply vacuumed tanks loads of waste water directly via ground application, if we could proceed. Jamie thought this was OK without approval from the EPA but suggested we send him ( Jamie and Danielle) the details so they could be incorporated into the draft discharge permit. Jason added that any change in the hatchery BMP also be shared with the NH DES.

Fred then asked why the EPA stated in their email to us that they would find it difficult to set a phosphorus discharge limit. Jamie and Danielle answered that the limit would need to be based on scientifically validated information and that no real standards or numerical criteria for limiting phosphorus in discharges were available. Fred then asked what the EPA's Ecoregional Nutrient Criteria, published in 2000, which specifies for Ecoregion 8( New England) that rivers and streams should not have discharges which exceed 10 ug/L phosphorus means. Jamie said this standard has never been applied to discharge permits. Fred asked why then have a scientifically validate publication out there if

they didn't intent to use it. EPA responded that they needed to review this document and that it could possibly be used. Jamie asked Fred if he had recommendations for limiting phosphorus in the discharge he should send them to the EPA. Danielle mentioned that Fred has already done that.

There then ensued a conversation in which Swens, Scott and the EPA all talked about solving this problem between all the parties here without the need to take legal action. The good working relationship between NH F&GD and the various stakeholder committees was emphasized. The EPA people agreed that we (New Durham and NH F&G) should get together and come up with a multi-year phased-in plan to reduce phosphorus in the discharge until a numerical limit ( which we agreed upon) was reached. That plan, once submitted to the EPA, will likely to be reflected in a draft discharge permit.

Jason than said that the delay in releasing a draft permit, with a phosphorus limit, has caused problems for the NH F&GD which was waiting to complete and engineering plan and requesting a budget, for its construction, through the State's capitol budget process.

As the meeting ended all parties agreed that Alton and New Durham stakeholders along with the NH F&GD should proceed to write up an agreement and submit it to the EPA. Jason added that having the permittee set a numerical limit on phosphorus is unusual at best and this should be discussed among the stakeholders.

Respectfully submitted,

Fred Quimby, chair, CMSC