



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

February 6, 2015

Mr. Peter Nourse, Director
Department of Public Works
City of Rochester
City of Rochester, NH 03867

Re: City of Rochester Draft NPDES Permit

Dear Mr. Nourse:

EPA Region 1 is writing to acknowledge the City of Rochester's January 22, 2015 response to our proposal regarding the timeframe for issuance of the draft NPDES permit for discharges from the City's publicly owned treatment plant. It is evident to the Region that you gave careful and extended consideration to our proposal and equally clear that you took measures to complete your deliberations on an expedited basis. We thank the City for its efforts in this regard and, as explained below, accept your counterproposal as a basis for moving forward relative to the timing of draft permit issuance.

In our December 16, 2014 letter to the City, we explained that we were prepared to forestall draft permit issuance for eighteen months if the City committed to undertake a series of eight activities over that period. In your response letter, you set forth each of the activities as requested by the Region and offered a corresponding response describing the exact nature and extent of your agreement. In some cases, you simply agreed to carry out the provision as written. In others, it appears to the Region that you agreed to carry out the substance of the proposed provision while providing additional context, clarification or qualification regarding your decision. In only one case did you materially revise a proposed provision, agreeing to "using...best efforts to maintain total nitrogen discharge levels at [the City's] WWTF to at or below 8.0 mg/l" on a seasonal rather than monthly average, as had been requested by the Region. Your counterproposal largely comports with our original proposal and, if diligently carried out, will result in progress to address ongoing nutrient loading into Great Bay. Accordingly, assuming the City carries out the eight activities according to the terms described in your letter, the Region will not issue a draft permit to the City before August 2016.

As we are all aware, and as evidenced by certain portions of your letter, significant differences remain between the Region and the City regarding the scientific basis for the draft permit's nutrient limitations, and it is yet unclear when and how those differences will be resolved. In the interim, the Region believes that the focus should be

on areas of commonality. We hope to use this eighteen month period to reset the relationship, to advance shared interests and to seek opportunities to narrow outstanding differences. This underscores the importance the semi-annual meeting among the Region, NHDES and the City, and we will be in touch with you to schedule that event and generate an agenda to ensure it is as productive as possible.

Sincerely,



Ken Moraff
Director
Office of Ecosystem Protection

cc: Thomas S. Burrack, Commissioner, NHDES
Vicki Quiram, Assistant Commissioner, NHDES
Eugene J. Forbes, Director, Water Division, NHDES