



**ADMINISTRATIVE RECORD INDEX  
FOR THE TOWN OF NEWMARKET, NEW HAMPSHIRE  
NPDES PERMIT NO. NH0100196**

**A. PERMIT DOCUMENTS**

1. Final permit for the Town of Newmarket dated November 16, 2012.
2. Letter from Stephen S. Perkins, EPA to Stephen Fournier, Newmarket Town Administrator transmitting the final permit package. November 16, 2012.
3. Public Notice of draft NPDES permit and fact sheet. October 5, 2011.
4. Public Notice of draft NPDES permit and fact sheet comment period extension, and notice of public hearing. October 28, 2011.
5. Letter. Stephen S. Perkins, EPA to Ed Wojnowski, Newmarket Town Administrator. RE: Public Notice, NPDES Reapplication No. NH0100196, Newmarket Wastewater Treatment Facility. September 30, 2011.
6. Letter. Stephen S. Perkins, EPA to Harry T. Stewart, NHDES. RE: Request for 401 water quality certification for the partially revised draft permit. September 30, 2011.
7. Draft permit.
8. Fact sheet dated September 26, 2011.
9. Letter. Shelley Puleo, EPA to Steve Clifton, Underwood Engineers. RE: NPDES Application No. NH0100196 – Town of Newmarket (complete application letter). February 24, 2005.
10. Town of Newmarket NPDES Permit Application Renewal. NPDES Permit No. NH0100196. December 2004.
11. Modification to Town of Newmarket NPDES Permit No. NH0100196. July 8, 2002.
12. Final Town of Newmarket NPDES Permit No. NH0100196. April 27, 2000.

## **B. RESPONSE TO COMMENTS**

1. Response to Comments on Draft NPDES Permit No. NH0100196. Town of Newmarket Wastewater Treatment Plant. November 15, 2012.

## **C. PUBLIC COMMENTS**

1. Letter. Edward J. Wojnowski, Newmarket Town Administrator to Dan Arsenault, EPA. RE: NPDES Permit No. NH0100196, Comments on Draft Permit. Newmarket, New Hampshire. December 13, 2011.
2. Letter. Great Bay Municipal Coalition. John C. Hall, Hall & Associates to Stephen S. Perkins, EPA. RE: Request for Public Comment on Proposed Town of Newmarket, NH NPDES Permit No. NH0100196. December 15, 2011.
3. Letter. Great Bay Municipal Coalition. John C. Hall, Hall & Associates to Stephen S. Perkins, EPA. RE: Additional Exhibit to Permit Comments Submitted on Dec. 15, 2011, in Response to Request for Public Comment on Proposed Town of Newmarket, NH, NPDES Permit No. NH0100196. December 19, 2011.
4. Letter. Conservation Law Foundation. Thomas F. Irwin, Conservation Law Foundation to Dan Arsenault, EPA. RE: Draft NPDES Permit for Town of Newmarket, NH Wastewater Treatment Facility (NPDES Permit No. NH0100196; Public Notice No. NH-001-12. December 15, 2011.
5. Letter. Town of Newington. Jack O'Reilly and Rick Stern, Town of Newington to Curt Spalding, EPA Region I Administrator. RE: NPDES Permit #NH0100196 – Great Bay Estuary, NH. November 30, 2011.
6. Letter. The Nature Conservancy. Daryl Burtnett, The Nature Conservancy to EPA. RE: Draft National Pollution Discharge Elimination System Permit for the Town of Newmarket, NH. Permit No. NH0100196. November 30, 2011.
7. Letter. Lamprey River Watershed Association. Carl Spang, Sam Demeritt, Dawn Genes, Lamprey River Watershed Association to EPA. RE: Comments in support of the Draft National Pollutant Discharge Elimination system (NPDES) Permit for the Town of Newmarket, NH Wastewater Treatment Facility (Permit No. NH0100196). November 30, 2011.

8. Letter. William H. McDowell, Michelle L. Daley, NH Water Resources Research Center to EPA. December 14, 2011.
9. Letter. Frederick T. Short, UNH to Dan Arsenault, EPA. December 15, 2011.
10. Letter. Conservation Law Foundation, Conservation New Hampshire, Environment New Hampshire, Great Bay Trout Unlimited, N.H. Audubon, and New Hampshire Coastal Protection Partnership. Joint Statement to the U.S. Environmental Protection Agency, Region I. RE: Draft National Pollutant Discharge Elimination System (NPDES) Permit for the Town of Newmarket, NH Wastewater Treatment Facility (Permit No. NH0100196). November 30, 2011.

#### **D. SUPPLEMENTAL COMMENTS**

1. E-mail. Great Bay Municipal Coalition. John Hall, Hall & Associates to Stephen Perkins, EPA; Dan Arsenault, EPA; Ellen Gilinsky, EPA-HQ. RE: Supplemental Comments by the Great Bay Municipal Coalition re: Draft NPDES Permit No. NH0101311 for the City of Dover, NH; Town of Exeter, NH, NPDES Permit No. NH0100871; Town of Newmarket, NH, NPDES Permit No. NH0100196. August 15, 2012.
  - i. Attachments
    1. Graph: Great Bay eelgrass versus 3-year moving average spring flow.
    2. Graph: Great Bay transparency changes – buoy data 2004-2008.
    3. Trowbridge Deposition Exhibit 71: P. Trowbridge email to F. Short attaching PowerPoint Presentation from 11/8/2007 entitle “Toward a New Conceptual Model for Nutrient Criteria Development in a New Hampshire Macrotidal Estuary”.
    4. Trowbridge Deposition Exhibit 72: P. Trowbridge email to P. Colarusso 3/20/08 attaching PowerPoint Presentation from 3/25/08 entitled “Nutrient Criteria Development for the Protection of Eelgrass in NH’ Estuaries”.
2. E-mail. Great Bay Municipal Coalition. John Hall, Hall & Associates to Stephen Perkins, EPA; Dan Arsenault, EPA; Ellen Gilinsky, EPA-HQ. RE: Supplemental Comments by the Great Bay Municipal Coalition re: Draft NPDES Permit No. NH0101311 for the City of Dover, NH; Town of Exeter, NH, NPDES Permit No. NH0100871; Town of Newmarket, NH, NPDES Permit No. NH0100196. August 15, 2012.
  - i. Attachments

1. Currier Deposition Exhibit 31: PowerPoint Presentation by P. Trowbridge entitled “New Hampshire Estuaries Project Environmental Indicators” 6/15/06.
  2. Currier Deposition Exhibit 32: PowerPoint Presentation by P. Trowbridge entitled “Summary of Light Availability and Light Attenuation Factors for Great Bay Estuary” 2/14/07.
3. E-Mail. John C. Hall, Hall and Associates to Stephen Perkins, Ellen Gilinsky, and Dan Arsenault, EPA. RE: Supplemental Comments by the Great Bay Municipal Coalition re: Draft NPDES Permit No. NH0101311 for the City of Dover, NH; Town of Exeter, NH NPDES Permit No. NH0100871; Town of Newmarket, NH, NPDES Permit No. NH0100196. August 30, 2012.
    - i. Attachments
      1. Exhibit 1 – PREP long term nutrient and algal charts Adams Point.pdf.
      2. Exhibit 2 – Changing CDOM 2005 – 2011.pdf.
      3. Exhibit 3 – Great Bay transparency changes \_buoy\_data 2004 – 2008.pdf.
      4. Exhibit 4 – Great Bay\_eelgrass-flow-trends 1990 – 2011 (2).pdf.
      5. Exhibit 5 – Great Bay eelgrass versus 3 year moving average spring flow.pdf.
      6. Supplemental Permit Comments of the Great Bay Municipal Coalition based on Deposition Testimony – August 30, 2012-final.pdf.
      7. Transmittal Letter – GB Supplemental Comments – 8-30-12.pdf.
  4. E-Mail. John C. Hall, Hall and Associates to Stephen Perkins, Ellen Gilinsky, and Dan Arsenault, EPA. RE: Supplemental Comments by the Great Bay Municipal Coalition re: Draft NPDES Permit No. NH0101311 for the City of Dover, NH; Town of Exeter, NH NPDES Permit No. NH0100871; Town of Newmarket, NH, NPDES Permit No. NH0100196. August 30, 2012.
    - i. Attachments
      1. Paul Currier Deposition Transcript.
      2. Fred Short Deposition Transcript.
      3. Philip Trowbridge Deposition Transcript – Volume 1.
      4. Philip Trowbridge Deposition Transcript – Volume 2.
  5. E-mail. Tonja Scott, Hall & Associates to Stephen Perkins, Ellen Gilinsky, Dan Arsenault, EPA. RE: EXHIBITS REPLACEMENT ONLY - Supplemental Comments by the Great Bay Municipal Coalition re: Draft NPDES Permit No. NH0101311 for the City of Dover, NH; Town of

Exeter, NH, NPDES Permit No. NH0100871; Town of Newmarket, NH, NPDES Permit No. NH0100196. August 31, 2012.

- i. Correction to Exhibits 1 – 5 previously transmitted on August 30, 2012.

- 6. E-mail. Great Bay Municipal Coalition. John Hall, Hall & Associates to Stephen Perkins, EPA; Dan Arsenault, EPA; Ellen Gilinsky, EPA-HQ. RE: Electronic Copy of Great Bay Municipal Coalition Letter to EPA Documenting Apparent Region I Scientific Misconduct and Agency Bias and Requesting Transfer of Matter to Independent Panel of Experts – Supplemental Letter. September 7, 2012.

- i. Attachment

- 1. Great Bay Municipal Coalition Letter to EPA Documenting Apparent Region I Scientific Misconduct and Agency Bias and Requesting a Transfer of Matter to an Independent Panel of Experts.

- 7. E-mail. Great Bay Municipal Coalition. John Hall, Hall & Associates to Stephen Perkins, EPA; Dan Arsenault, EPA, Ellen Gilinsky, EPA-HQ. RE: Supplemental Comments by the Great Bay Municipal Coalition re: Draft NPDES Permit No. NH0101311 for the City of Dover, NH; Town of Exeter, NH, NPDES Permit No. NH0100871; Town of Newmarket, NH NPDES Permit No. NH0100196. September 12, 2012.

- i. Attachments

- 1. Salinity Readings Great Bay Buoy 2005 – 2011.
- 2. Causes of Periodic Low DO unknown – Trowbridge Deposition – 6/23/12.
- 3. Elevated TN Did Not Cause Increased Algal Growth Impacting Transparency – Trowbridge Deposition – 6/23/12 and 7/11/12.
- 4. Exclusion of Prior Studies from Record – Trowbridge Deposition – 7/11/12.
- 5. Experts Confirm Great Bay NOT Transparency Limited System – Trowbridge Deposition – 6/23/12 and 7/11/12.
- 6. Macroalgae Impacts on Eelgrass in Great Bay Not Apparent – Trowbridge Deposition 6/23/12 and 7/11/12.
- 7. TN Control Ineffective in Tidal Rivers – Trowbridge Deposition – 7/11/12 pages 421 – 434.

- 8. E-mail. Great Bay Municipal Coalition. John Hall, Hall & Associates to Stephen Perkins, EPA; Dan Arsenault, EPA, Ellen Gilinsky, EPA-HQ. RE: Supplemental Comments by the Great Bay Municipal Coalition re: Draft NPDES Permit No. NH0101311 for the City of Dover, NH; Town of Exeter, NH, NPDES Permit No. NH0100871; Town of Newmarket, NH NPDES Permit No. NH0100196. September 24, 2012.

- i. Attachment

1. Dean Peschel Little Bay Eelgrass Phone Notes 9/20/12 after talking to Bruce Smith, NH Fish and Game.
  
9. E-mail. Great Bay Municipal Coalition. John Hall, Hall & Associates to Stephen Perkins, EPA; Dan Arsenaault, EPA, Ellen Gilinsky, EPA-HQ. RE: Supplemental Comments by the Great Bay Municipal Coalition re: Draft NPDES Permit No. NH0101311 for the City of Dover, NH; Town of Exeter, NH, NPDES Permit No. NH0100871; Town of Newmarket, NH NPDES Permit No. NH0100196. October 18, 2012.
  - i. Attachments
    1. Photograph 2012-10-17\_09-33-57\_613.
    2. Photograph 2012-10-17\_09-34-21\_827.
    3. Photograph 2012-10-17\_09-34-28\_803.
    4. Photograph 2012-10-17\_09-38-40\_869.
    5. Photograph 2012-10-17\_09-39-03\_903.
    6. Photograph 2012-10-17\_09-39-19\_640.
    7. Photograph 2012-10-17\_10-19-17\_68.
    8. Photograph 2012-10-17\_10-20-30\_683.
  
10. E-mail. Great Bay Municipal Coalition. John Hall, Hall & Associates to Stephen Perkins, EPA; Dan Arsenaault, EPA. RE: Great Bay Municipal Coalition Peer Review – Supplemental Comments. November 5, 2012.
  - i. Attachments
    1. Photograph Showing Naturally Occurring CDOM in Salmon Falls River.
    2. SWA – UNH Peer Review Response Letter 10/26/12.
    3. UNH Peer Review Letter 9/7/12.
    4. Stoner Letter 11/2/12.
    5. Burack Response to Questions Letter.
  
11. E-mail. Great Bay Municipal Coalition. John Hall, Hall & Associates to Stephen Perkins, EPA; Dan Arsenaault, EPA; Ellen Gilinsky, EPA-HQ. RE: Supplemental Comments by the Great Bay Municipal Coalition re: Draft NPDES Permit No. NH0101311 for the City of Dover; Town of Exeter, NH, NPDES Permit No. NH0100871; Town of Newmarket, NH, NPDES Permit No. NH0100196. November 5, 2012.
  - i. Attachments
    1. Photograph – Wagon Hill Farm 11-3-12(2).jpg.
    2. Photograph – Wagon Hill Farm 11-3-12.jpg.
  
12. E-mail. Great Bay Municipal Coalition. Keisha Sedlacek, Hall & Associates to Stephen Perkins, EPA; Dan Arsenaault, EPA. RE: Supplemental Comments by the Great Bay Coalition re: draft NPDES permits No. NH0101311 (Dover), No. NH0100871 (Exeter), and No. NH0100196 (Newmarket). November 8, 2012.
  - i. Attachments

1. Burack Letter 10/19/12.
2. DES Slides from EPA Meeting on 9/28/12.

#### **E. PUBLIC HEARING**

1. Transcript of public hearing for the Town of Newmarket, New Hampshire Wastewater Treatment Plant, NPDES Permit No. NH0100196. November 30, 2011.

#### **F. WATER QUALITY CERTIFICATION**

1. Letter. Harry T. Stewart, NHDES to David M. Webster, EPA. RE: Newmarket Wastewater Treatment Facility, Certification of NPDES Permit No. NH0100196. November 5, 2012.

#### **G. COASTAL ZONE MANAGEMENT**

1. Letter. Ted Diers, NHDES to Sean Greig, Newmarket Water and Wastewater Superintendent. RE: File No. 2012-p-3; CZMA Federal Consistency Certification for Renewal of the Newmarket Wastewater Treatment Facility NPDES Permit (#NH0100196). August 7, 2012.

#### **H. CORRESPONDENCE**

1. Letter. Sean Greig, Newmarket Water and Wastewater Superintendent to Stephen S. Perkins, EPA. RE: Request for Public Hearing, Draft NPDES Permit # NH0100196, Newmarket, NH. October 19, 2011.
2. HydroQual. 2012. Technical Memorandum – Squamscott River, August to September 2011 Field Studies. March 20, 2012.
3. HydroQual. 2012. Technical Memorandum – Estimation of DIN Load to the Great Bay Estuary. January 16, 2012.
4. HydroQual. 2011. Technical Memorandum – Review of New Hampshire DES Total Nitrogen Criteria Development for the Great Bay Estuary. January 10, 2011.
5. HydroQual. 2011. Technical Memorandum – General Scope of Work for Squamscott River Modelling – June 2011. June 16, 2011.



6. New Hampshire Department of Environmental Services. Comments from the New Hampshire Department of Environmental Services on HydroQual's Technical Memorandum dated January 10, 2011.
7. Letter. Dean Peschel, Great Bay Municipal Coalition to Harry T. Stewart, NHDES; Thomas Burack, NHDES. RE: Squamscott River Report. March 23, 2012.
8. Letter. Dean Peschel, Great Bay Municipal Coalition to Harry T. Stewart, NHDES. RE: Literature Review Regarding Macroalgae-Based Nutrient Criteria. February 15, 2012.
9. New Hampshire Department of Environmental Services. Draft – Literature Review of Macroalgae and Epiphyte Studies in the Great Bay Estuary. December 2011.
10. Letter. Dean Peschel, Great Bay Municipal Coalition to Ted Diers, NHDES. RE: Need to Update/Amend Impairment Listings for Tidal Rivers/Great Bay. September 12, 2011.
11. Peschel, D. 2012. Letter to New Hampshire Department of Environmental Services (March 23, 2012).
12. Letter. John C. Hall, Hall & Associates to Stephen S. Perkins, EPA. RE: Request for Clarification on Request for Public Comment on Proposed Town of Exeter, NH, NPDES Permit No. NH0100871.
13. Valiela, I. and Kinney, E. 2011. Memorandum to Tom Irwin. Submitted with Conservation Law Foundation Comments on Draft Permit. (July 28, 2011).
14. Letter. John C. Hall, Hall & Associates to Lisa Jackson, EPA Administrator; Arthur A. Elkins, Jr., Inspector General. RE: Great Bay Nutrient Criteria and Permit Development – Documentation of Apparent Scientific Misconduct and Agency Bias; Request for Transfer of Matter to Independent Panel of Experts for Review. May 4, 2012.
15. E-mail. John Hall, Hall & Associates to Ellen Gilinsky, EPA-HQ; Nancy Grantham, EPA. RE: Updated Information of TN Requirements for Great Bay Estuary and EPA Region I Science Misconduct. July 13, 2012.
16. Letter. John C. Hall, Hall & Associates to Ellen Gilinsky, EPA-HQ. RE: Confirmation of Major Scientific Errors/Uncertainties Regarding Proposed TN Reduction for Great Bay Estuary in Depositions of Mr. Philip Trowbridge and Dr. Fred Short. July 13, 2012.

- 17.** E-mail. John Hall, Hall & Associates to Ellen Gilinsky, EPA-HQ; Nancy Grantham, EPA. RE: Updated Information of TN Requirements for Great Bay Estuary and EPA Region I Science Misconduct – New Information Released by PREP. July 27, 2012.
- 18.** Letter. John C. Hall, Hall & Associates to Lisa Jackson, EPA Administrator; Arthur A. Elkins, Jr., Inspector General. RE: Great Bay Nutrient Criteria and Permit Development – Documentation of Apparent Scientific Misconduct and Agency Bias; Request for Transfer of Matter to Chesapeake Bay Office for Independent Review. August 30, 2012.
- 19.** Letter. Thomas F. Irwin, Conservation Law Foundation to Lisa Jackson, EPA Administrator; Arthur A. Elkins, Jr., Inspector General. RE: May 4, 2012 Correspondence from John Hall & Associates on behalf of the Great Bay Municipal Coalition. June 19, 2012.
- 20.** Letter. Nancy K. Stoner, EPA-HQ to John C. Hall, Hall & Associates. Response to May 4, 2012 letter from John C. Hall to Lisa Jackson and Arthur Elkins. September 27, 2012.
- 21.** Letter. John C. Hall, Hall & Associates to Lisa Jackson, EPA Administrator. RE: Notice of Intent to File Suit to EPA's Failure to Conduct Mandatory Duties Related to Revised New Hampshire Water Quality Standards for Total Nitrogen, Transparency and Chlorophyll-a. September 13, 2012.
- 22.** E-mail. Arthur Mathieson, UNH to Philip Trowbridge, NHDES; Frederick Short, UNH. RE: 303(d) Comment, Macroalgal problems within the Great Bay Estuary System. May 21, 2012.
- 23.** Letter. Ted Diers, NHDES to Stephen Perkins, EPA. RE: Squamscott River and Lamprey River Assessment Units for 2012 305(b).303(d) Cycle. August 8, 2011.
- 24.** Letter. Thomas F. Irwin, CLF to New Hampshire Department of Environmental Services and U.S. Environmental Protection Agency, Region I. RE: State of New Hampshire Draft 2008 Section 303(d) Surface Water Quality List NHDES-R-WD-08-3 (February 2008).
- 25.** Letter. Thomas F. Irwin, CLF to Philip Trowbridge, NHDES. RE: Stakeholder Review Draft of Preliminary Watershed Nitrogen Loading Thresholds for Watersheds Draining to the Great Bay Estuary (Oct. 30, 2009). December 4, 2009.

26. Letter. Thomas F. Irwin, CLF to Ken Edwardsons, NHDES; Alfred Basile, EPA. RE: State of New Hampshire Draft 2008 Section 303(d) List.
27. E-mail. Fred Short, UNH to Stephen Perkins, Dan Arsenault, Carl Deloi, EPA. RE: Response to Great Bay Municipal Coalition Adaptive Management Plan. December, 22, 2011.
28. E-mail. Dean Peschel, Great Bay Municipal Coalition to Fred Short, UNH; Stephen Perkins, Dan Arsenault, Carl Deloi, EPA. RE: Response to the Great Bay Municipal Coalition Adaptive Management Plan. January 23, 2012.
29. Letter. Dean Peschel, Great Bay Municipal Coalition to Frederick T. Short, UNH. RE: Dec. 22, 2011, Dr. Fred Short Response to the Great Bay Municipal Coalition Adaptive Management Plan. January 23, 2012.
30. E-mail. Dean Peschel, Great Bay Municipal Coalition to Fred Short, UNH. RE: Response to the Great Bay Municipal Coalition Adaptive Management Plan. February 9, 2012.
31. Letter. Dean Peschel, Great Bay Municipal Coalition to Frederick T. Short, UNH. RE: Response to the Great Bay Municipal Coalition Adaptive Management Plan. February 9, 2012.
32. E-mail. Fred Short, UNH to Dean Peschel, Great Bay Municipal Coalition. RE: Response to the Great Bay Municipal Coalition Adaptive Management Plan. February 2, 2012.
33. E-mail. Fred Short, UNH to Dean Peschel, Great Bay Municipal Coalition. RE: Response to the Great Bay Municipal Coalition Adaptive Management Plan. February 4, 2012.
34. E-mail. Fred Short, UNH to Dean Peschel, Great Bay Municipal Coalition. RE: Response to the Great Bay Municipal Coalition Adaptive Management Plan. February 4, 2012.
35. Great Bay Municipal Coalition Adaptive Management Plan.
36. E-mail. Carl Deloi, EPA to Dean Peschel, Great Bay Municipal Coalition. RE: Comment on GB AMP. January 20, 2012.
37. Phone log. Dan Arsenault, EPA to Fred Short, UNH. RE: Light Attenuation/Macroalgae Issues in Great Bay. November 14, 2011.

38. Phone log. Dan Arsenault, EPA to Fred Short, UNH. Eelgrass Issues in Great Bay. November 18, 2011.
39. E-mail. Fred Short, UNH to Dan Arsenault, EPA. RE: Eelgrass Videos. January 19, 2012.
40. Letter. Stephen S. Perkins, EPA to Harry T. Stewart, NHDES. RE: Transmittal of Independent Peer Review of Nutrient Criteria Proposal for Great Bay Estuary. June 29, 2010.
41. Letter. Stephen S. Perkins, EPA to Harry T. Stewart, NHDES. Comment letter on "Preliminary Watershed Nitrogen Loading Thresholds for Watersheds Draining to the Great Bay Estuary". December 9, 2009.
42. Letter. Thomas J. Jean, Mayor – Rochester to Thomas Burack, Commissioner. RE: Request for Meeting to Discuss New Information Regarding Nutrient Effects on the Great Bay Estuary and Independent Peer Review Process. July 20, 2012.
43. Letter. Thomas S. Burack, NHDES Commissioner to Thomas J. Jean, Mayor – Rochester; Dean Trefethen, Mayor – Dover; Eric Spear, Mayor – Portsmouth. RE: Request for Meeting to Discuss New Information Regarding Nutrient Effects on the great Bay Estuary and Independent Peer Review. October 19, 2012.
44. Memorandum. NHDES. Responses of the New Hampshire Department of Environmental Services (NHDES) To Claims of the New Information Regarding Nutrient Effects on the Great Bay Estuary Included in Letters to Commissioner Burack Dated July 20, 2012 From the Mayors of Rochester, Portsmouth, and Dover. October 19, 2012.
45. Phone log. Dan Arsenault, EPA to Phil Trowbridge, NHDES. RE: Redesignation of Assessment Units for the Lamprey and Squamscott Rivers. September 2, 2011.
46. Phone log. Dan Arsenault, EPA to Phil Trowbridge, NHDES. RE: Nitrate data for the Squamscott River. January 4, 2011.
47. Phone log. Dan Arsenault, EPA to Steve Clifton, Underwood Engineers. RE: Comments on the Town of Newmarket Draft NPDES Permit. August 10, 2012.
48. Letter. Stergios K. Spanos, NHDES to Samuel T. Heffron, Laboratory Technician, Newmarket Water Pollution Control Facility. RE: November 9, 2011 Outfall Inspection, NPDES/State Surface Water Discharge Permit No. NH0100196. January 26, 2012.

49. Letter. Edward Wojnowski, Newmarket Town Administrator to Stephen S. Perkins, EPA. RE: Town of Newmarket NPDES Permit No. NH0100196 (Request to resume discussions). May 24, 2012.
50. E-mail. Philip Trowbridge, NHDES to Michael Cobb, EPA. RE: Newmarket WWTF (summary statistics for WQ parameters). March 28, 2011.
51. E-mail. Christine Vaccaro, NMFS to Dan Arsenault, EPA. RE: Newmarket, NH. May 13, 2011.
52. Letter. Thomas R. Chapman, USFWS to Whom it may concern. RE: Presence of T/E species in the project area. January 3, 2011.
53. E-mail. Philip Trowbridge, NHDES to Stephen Perkins, EPA (cc: Dan Arsenault, EPA). RE: Squamscott River and Lamprey River Assessment Units for 2012 305b/303d Cycle. August 8, 2011.
54. E-mail. Chris Nash, NHDES to Dan Arsenault, EPA. RE: Newmarket Draft Permit (shellfish conditions). September 15, 2011.
55. E-mail. Chris Nash, NHDES to Dan Arsenault, EPA. RE: Newmarket Draft Permit (shellfish conditions). September 16, 2011.
56. E-mail. Jeff Andrews, NHDES to Dan Arsenault, EPA. RE: Newmarket Draft Permit and Fact FS (NHDES Comments). August 2, 2011.
57. E-mail. Philip Trowbridge, NHDES to Dan Arsenault, EPA. RE: Newmarket FS. September 13, 2011.
58. Letter. Dean Peschel, Great Bay Municipal Coalition to Jean Brochi, EPA and Rachel Rouillard, PREP. RE: 2010 and 2011 Eelgrass Distribution Reports for the Great Bay Estuary. October 9, 2012.
59. Power Point Presentation. John C. Hall, Hall & Associates. Overview of Great Bay Restoration Approach. Presented at meeting with the City of Dover, EPA, and the Great Bay Municipal Coalition. February 16, 2010.
60. Letter. Senator Frank Guinta to Lisa Jackson, EPA Administrator. RE: Scientific Misconduct. June 26, 2012.
61. Letter. Eric Spear, Mayor of Portsmouth and Sean Trefethen, Mayor of Dover to Ellen Gilinsky, EPA. RE: June 28, 2012 Meeting on Great Bay Nutrient and Science Misconduct Issues. June 29, 2012.

- 62.** Letter. Senator Jeanne Shaheen and Senator Kelly Ayotte to Lisa Jackson, EPA Administrator. RE: Great Bay Municipal Coalition Peer Review Request. July 17, 2012.
- 63.** E-mail. Philip Trowbridge, NHDES to Dan Arsenault, EPA. RE: Squamscott River Report. March 29, 2012.
- 64.** E-Mail. Philip Trowbridge, NHDES to Dan Arsenault, EPA. RE: Wasting Disease. March 16, 2012.
- 65.** E-mail. Philip Trowbridge, NHDES to Dan Arsenault, EPA. RE: Literature Review. March 2, 2012.
- 66.** E-mail. Philip Trowbridge, NHDES to Dan Arsenault, EPA. RE: Squamscott Data. September 1, 2011.
- 67.** E-mail. Philip Trowbridge, NHDES to Dan Arsenault, EPA. RE: Datasonde Deployment on the Squamscott. August 16, 2011.
- 68.** E-mail. Philip Trowbridge. NHDES to Dave Pincumbe and Carl Deloi, EPA (cc: Dan Arsenault, EPA). RE: Preliminary Draft Plan for Dive Ops for Macroalgae Study in NH. July 8, 2011.
- 69.** Memorandum of Agreement between the Great Bay Municipal Coalition and the New Hampshire Department of Environmental Services relative to Reducing Uncertainty in Nutrient Criteria for the Great Bay/Piscataqua River Estuary.
- 70.** Charge Questions for Boynton and Howarth Review of Great Bay, New Hampshire Estuarine Criteria.
- 71.** E-mail. Alfred Basile, EPA to Philip Trowbridge, Paul Currier, and Greg Comstock, NHDES. RE: NH Estuary Criteria (submittal of comments). November 25, 2008.
- 72.** E-mail. Matt Liebman, EPA to Alfred Basile, Phil Colarusso, David Pincumbe, and Jean Brochi, EPA. RE: My Comments on the Great Bay nutrient criteria draft document. November 21, 2008.
- 73.** Letter. Thomas S. Burack, Commissioner – NHDES to Cosmas Iocovozzi, Chairman , Board of Selectmen and Jane Hislop, Co-Chair, Conservation Commission, Town of Newington. June 8, 2011.
- 74.** Letter. Thomas S. Burack, Commissioner – NHDES to Tom Irwin, CLF; Mitch Kalter, Great Bay Trout Unlimited; and Derek Durbin, NH Coastal Protection Partnership. June 8, 2011.

75. E-mail. Phil Trowbridge, NHDES to Ru Morrison, Bruce Smith, Dave Kellam, Derek Sowers, Jean Broachi, Jennifer Hunter, Jonathan Pennock, Kathy Mills, Ray Konisky, Ray Grizzle, Ton Ballestero, Bil McDowell, Brian Giles, Gregg Constock, Paul Currier, Dave Burdick, Ted Diers, Rubin Fay, Fred Short, Kevin Lucey, Michele Dionne, Mitch Kalter, Chris Nash, Rich Langan, Robert Roseen, and Steve Jones. RE: FW: Southeast Watershed Alliance – Ad hoc committee. March 1, 2010.
76. Letter. Harry T. Stewart, NHDES to Michael Joyal, city of Dover; Todd Selig, Town of Durham; Russell Dean, Town of Exeter; Edward Wojnowski, Town of Newmarket; John Bohenko, City of Portsmouth; and John Scruton, City of Rochester. RE: Great Bay Publicly Owned Treatment Works Meeting December 2, 2010. January 7, 2010.

#### **I. FREEDOM OF INFORMATION ACT (FOIA) REQUESTS**

1. FOIA 01-FOI-00252-12. Letter. John C. Hall, Hall & Associates to Regional Freedom of Information Officer, EPA. RE: Freedom of Information Act Request for Records Associated with EPA Region I's Draft NPDES Permits for Exeter, NH, NPDES Permit No. NH0100871; Newmarket, NH, NPDES Permit No. NH0100196; and Dover, NH, NPDES Permit No. NH0101311. September 26, 2012.
2. FOIA 01-FOI-00253-12. Letter. John C. Hall, Hall & Associates to Regional Freedom of Information Officer, EPA. RE: Freedom of Information Act Request for Records Associated with EPA Region I's Draft NPDES Permits for Exeter, NH, NPDES Permit No. NH0100871; Newmarket, NH, NPDES Permit No. NH0100196; and Dover, NH, NPDES Permit No. NH0101311. September 26, 2012.
3. FOIA 01-FOI-00254-12. Letter. John C. Hall, Hall & Associates to Regional Freedom of Information Officer, EPA. RE: Freedom of Information Act Request for Records Associated with EPA Region I's Draft NPDES Permits for Exeter, NH, NPDES Permit No. NH0100871; Newmarket, NH, NPDES Permit No. NH0100196; and Dover, NH, NPDES Permit No. NH0101311. September 26, 2012.
4. FOIA 01-FOI-00255-12. Letter. John C. Hall, Hall & Associates to Regional Freedom of Information Officer, EPA. RE: Freedom of Information Act Request for Records Associated with EPA Region I's Draft NPDES Permits for Exeter, NH, NPDES Permit No. NH0100871; Newmarket, NH, NPDES Permit No. NH0100196; and Dover, NH, NPDES Permit No. NH0101311. September 26, 2012.

5. FOIA 01-FOI-00256-12. Letter. John C. Hall, Hall & Associates to Regional Freedom of Information Officer, EPA. RE: Freedom of Information Act Request for Records Associated with EPA Region I's Draft NPDES Permits for Exeter, NH, NPDES Permit No. NH0100871; Newmarket, NH, NPDES Permit No. NH0100196; and Dover, NH, NPDES Permit No. NH0101311. September 26, 2012.
6. FOIA 01-FOI-00257-12. Letter. John C. Hall, Hall & Associates to Regional Freedom of Information Officer, EPA. RE: Freedom of Information Act Request for Records Associated with EPA Region I's Draft NPDES Permits for Exeter, NH, NPDES Permit No. NH0100871; Newmarket, NH, NPDES Permit No. NH0100196; and Dover, NH, NPDES Permit No. NH0101311. September 26, 2012.
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- 17.** FOIA 01-FOI-00268-12. Letter. John C. Hall, Hall & Associates to Regional Freedom of Information Officer, EPA. RE: Freedom of Information Act Request for Records Associated with EPA Region I's Draft NPDES Permits for Exeter, NH, NPDES Permit No. NH0100871; Newmarket, NH, NPDES Permit No. NH0100196; and Dover, NH, NPDES Permit No. NH0101311. September 26, 2012.

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  - ii.** Letter. John C. Hall, Hall & Associates to Samir Bukhari, EPA. RE: Freedom of Information Requests Nos. 01-FOI-00252-12, 01-FOI-00253-12, 01-FOI-00254-12, 01-FOI-00255-12, 01-FOI-00256-12, 01-FOI-00257-12, 01-FOI-00258-12, 01-FOI-00259-12, 01-FOI-00260-12, 01-FOI-00261-12, 01-FOI-00262-12, 01-FOI-00263-12, 01-FOI-00264-12, 01-FOI-00265-12, 01-FOI-00266-12, 01-FOI-00267-12, 01-FOI-00268-12, 01-FOI-00269-12. November 6, 2012.
- 19.** FOIA 01-FOI-00238-12. Letter. E. Tupper Kinder; Nelson, Kinder, and Mosseau, PC to Cristeen L. Schena, EPA; Jean Brochi, EPA; Fred Short, UNH; Harry T. Stewart, NHDES, Philip Trowbridge, NHDES; Rachel Rouillard, PREP. RE: UNH Eelgrass Monitoring Program for Great Bay Estuary. August 30, 2012.
- i.** Letter (Sent via electronic mail). Cristeen L. Schena, EPA to E. Tupper Kinder, Nelson; Kinder, and Mosseau PC. RE: Freedom of Information Act Request No. 01-FOI-00238-12. September 11, 2012.
- 20.** FOIA 01-FOI-00249-12. Letter. E. Tupper Kinder; Nelson, Kinder, and Mosseau, PC to Cristeen L. Schena, EPA; Jean Brochi, EPA; Fred Short, UNH; Harry T. Stewart, NHDES, Philip Trowbridge, NHDES; Rachel Rouillard, PREP. RE: Amended Request: UNH Eelgrass Monitoring Program for Great Bay Estuary. September 17, 2012.
- i.** Letter (Sent via electronic mail). Cristeen L. Schena, EPA to E. Tupper Kinder, Nelson; Kinder, and Mosseau PC. RE: Freedom of Information Act Request No. 01-FOI-00249-12. September 20, 2012.

- 21.** FOIA 01-FOI-00003-12. Letter. John C. Hall, Hall & Associates to Regional Freedom of Information Officer, EPA. RE: Freedom of Information Act Request for Records Associated with EPA Region I's Squamscott River Sampling Program Since January 1, 2011. October 4, 2011.

  - i.** Letter. Cristeen L. Schena, EPA to John C. Hall, Hall & Associates. RE: Freedom of Information Act Request No. 01-FOI-00003-12. November 18, 2011.
  
- 22.** FOIA 01-FOI-00004-12. Letter. John C. Hall, Hall & Associates to Regional Freedom of Information Officer, EPA. RE: Freedom of Information Act Request for Records Associated with EPA Region I's Assertion that Imposition of Limits of Technology (LOT) is Required upon NPDES Permit Reissuance for a Discharge of a Pollutant to a Water Body Listing as Impaired for that Pollutant before TMDL Completion. October 4, 2011.

  - i.** Letter. Lynda Boriskin, EPA to John Hall, Hall & Associates. RE: Freedom of Information Act Request No. 01-FOI-00004-12. November 3, 2011.
  
- 23.** FOIA 01-FOI-00033-12. Letter. John C. Hall, Hall & Associates to Regional Freedom of Information Officer, EPA. RE: Freedom of Information Act Request for Records Associated with EPA Region I's Draft NPDES Permit No. NH0100196 for the Town of Newmarket, NH, Wastewater Treatment Plant – Lamprey River Data. November 10, 2011.

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- i. Letter. Cristeen L. Schena, EPA to John C. Hall, Hall & Associates. RE: Freedom of Information Act Request No. 01-FOI-00053-12. January 10, 2012.

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- i. Letter. Cristeen L. Schena, EPA to John C. Hall, Hall & Associates. RE: Freedom of Information Act Request No. 01-FOI-00055-12. January 12, 2012.

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- i. Letter. Cristeen L. Schena, EPA to John C. Hall, Hall & Associates. RE: Freedom of Information Act Request No. 01-FOI-00074-12. February 24, 2012.

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- 35. FOIA 01-FOI-00088-12.** John C. Hall, Hall & Associates to Regional Freedom of Information Officer, EPA. RE: Freedom of Information Act Request for Records Associated with EPA Region I's Draft NPDES Permits to Great Bay Communities – Communications Regarding Great Bay. February 13, 2012.
- i. Letter. Cristeen L. Schena, EPA to John C. Hall, Hall & Associates. RE: Freedom of Information Act Request No. 01-FOI-00088-12 (Partial Response). May 3, 2012.
  - ii. Letter. Cristeen L. Schena, EPA to John C. Hall, Hall & Associates. RE: Freedom of Information Act Request No. 01-FOI-00088-12. May 15, 2012.
  - iii. E-mail. Amber N. Thornhill, Hall & Associates to Dan Arsenault, EPA. RE: FOIA Request No. 01-FOI-00088-12 – Possible Missing Documents. June 6, 2012.
  - iv. E-mail. Dan Arsenault, EPA to Amber Thornhill, Hall & Associates. RE: FOIA Request No. 01-FOI-00088-12 – Possible Missing Documents. June 8, 2012.
  - v. Letter. Congressman Frank Guinta to Curt Spaulding, EPA. RE: Request for Fee Waiver on Great Bay Municipal Coalition FOIA Submission. July 2, 2012.
  - vi. Letter. H. Curtis Spalding, EPA to Congressman Frank Guinta. RE: Relaying HQ decision to deny fee appeal by Hall & Associates. July 31, 2012.
- 36. FOIA 01-FOI-00092-12.** John C. Hall, Hall & Associates to Regional Freedom of Information Officer, EPA. RE: Freedom of Information Act Request for Records Associated with EPA Region I's Draft NPDES Permit No. NH0101311 for the City of Dover, NH, Wastewater Treatment Plant – Ambient Water Quality and Biological Integrity Data. February 13, 2012.
- i. Letter. Cristeen L. Schena, EPA to John C. Hall, Hall & Associates. RE: Freedom of Information Act Request No. 01-FOI-00092-12. March 14, 2012.

- 37.** FOIA 01-FOI-00094-12. John C. Hall, Hall & Associates to Regional Freedom of Information Officer, EPA. RE: Freedom of Information Act Request for Records Associated with EPA Region I's Draft NPDES Permits to Great Bay Communities – Criteria Derivation Methodology. February 15, 2012.
- i.** Letter. Cristeen L. Schena, EPA to John C. Hall, Hall & Associates. RE: Freedom of Information Act Request No. 01-FOI-00094-12. March 29, 2012.
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- i.** Letter (Hand Delivery to John Hall, Hall & Associates). Stephen S. Perkins, EPA to Amber N. Thornhill, Hall & Associates. RE: Freedom of Information Act Request FOIA 01-FOI-00148-11. July 29, 2011.
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**J. 303(D) and 305(B) MATERIALS**

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- 2) New Hampshire Department of Environmental Services. 2012. Response to Public Comment on the Draft 2012 Consolidated Assessment and Listing Methodology. April 20, 2012. Published online at:  
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- 6) Letter. Stephen J. Silva, EPA to Ken Edwardson, NHDES. RE: Review of NHDES' 2012 Consolidated Assessment Listing Methodology (CALM) Document. September 14, 2011.
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## **N. OTHER**

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3. Power Point Slides. Great Bay Municipal Coalition. From meeting with Great Bay Municipal Coalition, NHDES, and EPA. July 29, 2011.
4. Meeting notes. Great Bay Municipal Coalition Nitrogen Meeting. September 26, 2011. Final Notes Revised October 21, 2011.
5. Meeting notes. Conference Call. Phil Trowbridge, NHDES; Steve Silva, EPA; Dan Arsenault, EPA; Rick Greene, EPA; Jacques Oliver, EPA; Steve Whitlock, EPA. RE: HydroQual Scope of Work for the Squamscott River. June 23, 2011.
6. U.S. Committee on Oversight and Government Reform. Field Hearing – “EPA Overreach and the Impact on New Hampshire Communities”. Testimony of T.J. Jean, Mayor of Rochester; Dean Peschel, Peschel Consulting, LLC; John C. Hall, Hall & Associates; Peter Rice, City of Portsmouth; Curt Spalding, Administrator – EPA Region I. June 4, 2012. <http://oversight.house.gov/hearing/field-hearing-epa-overreach-and-the-impact-on-new-hampshire-communities>
7. Slide Presentation of Squamscott River and Great Bay information from NHDES. From meeting with EPA, NHDES, and the Town of Exeter, NH on September 28, 2012.
8. Discharge Monitoring Report for the Town of Newmarket Wastewater Treatment Plant. January 2005 – October 2010.
9. Effluent Summary for the Town of Newmarket Wastewater Treatment Plant. January 2005 – October 2010.
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- xiv.** Fairfield WPCF, NPDES Permit No. CT01001044. January 31, 2009 – July 31, 2011.
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- xxx.** New Canaan STP, NPDES Permit No. CT0101273. January 31, 2009 – July 31, 2011.
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21. Power Point Presentation. Stephen Perkins, EPA. Great Bay – Nitrogen and NPDES Permits. March 9, 2011. SWA meeting.
22. Jim Latimer, EPA – Narragansett. DES and TAC communications, Draft Criteria review, and peer review information.
23. E-mail. Edward Dettmann, EPA – Narragansett to Philip Trowbridge, NHDES. RE: Review of Great Bay Nutrient Criteria. November 21, 2008.
24. E-mail. Edward Dettmann, EPA – Narragansett to Philip Trowbridge, NHDES. RE: Review of “Nutrient Criteria for the Great Bay Estuary”. March 20, 2009.
25. TAC agenda and meeting minutes. Power Point Presentation from Edward Dettmann, EPA – Narragansett. Analytical Mass Balance Model for Nitrogen Concentrations in Great Bay. February 20, 2007.
26. Edward Dettmann, EPA – Narragansett. Review of Phil Trowbridge’s Mixing Model Spreadsheet. April 28, 2009.
27. E-mail. Edward Dettmann, EPA – Narragansett to Philip Trowbridge, NHDES. RE: Papers by Pilson and By Brown and Arellano (relating to mixing model). July 18, 2005.
28. Jim Lattimer, EPA – Narragansett. Historic Great Bay TN Loading.

- 29.** 2011 Sonde data collected from the Squamscott River. EPA.
- 30.** Spreadsheet. City of Rochester TN data 2001 – 2012.
- 31.** Power Point Presentation. Great Bay Municipal Coalition. Slides from Public Hearing. November 30, 2011.
- 32.** Power Point Presentation. Town of Newmarket. Slides from Public Hearing. November 30, 2011.
- 33.** Timeline Summary of 2008 NH 303(d) List and Great Bay Nutrient Criteria. Summary by Toby Stover, EPA.
- 34.** 2008 NH 303d List & Proposed Numeric Nitrogen Criteria Development for the Great Bay Timeline. Summary Chart by Toby Stover, EPA.
- 35.** Merrimack, SS. Superior Court. City of Dover, Town of Exeter, Town of Newmarket, City of Portsmouth, and City of Rochester v. State of New Hampshire and New Hampshire Department of Environmental Services. Petition for Declaratory Judgment and Preliminary and Permanent Injunctive Relief. Includes Exhibits 1-4. Signed by E. Tupper Kinder, John F. Peltonen, Dana Bisbee, and Andrew W. Serell. March 23, 2012.
- 36.** Merrimack, SS. Superior Court. City of Dover, et al. v. New Hampshire Department of Environmental Services. Docket No. 217-2012-CV-00212. Motion to Dismiss and Memorandum of Law in Support of the State's Motion to Dismiss. Signed by Evan J. Mulholland. May 30, 2012.
- 37.** Merrimack, SS. Superior Court. City of Dover, et al. v. New Hampshire Department of Environmental Services. Docket No. 217-2012-CV-00212. State's Motion of Summary Judgment and Memorandum of Law in Support of Motion for Summary Judgment. Signed by Evan J. Mulholland. August 15, 2012.
- 38.** Merrimack, SS. Superior Court. City of Dover, Town of Exeter, Town of Newmarket, City of Portsmouth, and City of Rochester v. State of New Hampshire and New Hampshire Department of Environmental Services. Docket No. 217-2012-CV-00212. Petitioners Motion for Summary Judgment and Memorandum of Law in Support of Motion for Summary Judgment. Signed by John E. Peltonen, E. Tupper Kinder, George Dana Bisbee, Andrew W. Serell, and John C. Hall. August 15, 2012.
- 39.** Merrimack, SS. Superior Court. City of Dover, et al. v. New Hampshire Department of Environmental Services. Docket No. 217-2012-CV-00212.



Order. Signed by Richard B. McNamara, Presiding Justice. November 7, 2012.

- 40.** Nitrogen Data from the Town of Newmarket Wastewater Treatment Plant January 26, 2011 to March 14, 2012. Influent, Effluent, and Removal % data.
- 41.** New Hampshire RSA Chapter 485-A: Water Pollution and Waste Disposal.
- 42.** New Hampshire Code of Administrative Rules. Chapter Env-Wq 1700 Surface Water Quality Regulations.
- 43.** Merrimack, SS. Superior Court. City of Dover, Town of Exeter, Town of Newmarket, City of Portsmouth, and City of Rochester v. State of New Hampshire and New Hampshire Department of Environmental Services. Docket No. 217-2012-CV-00212. Petitioners' Objection to Motion to Dismiss. Signed by E. Tupper Kinder, John E. Peltonen, George Dana Bisbee, Andrew Serell, and John C. Hall. June 18, 2012.