

EXHIBIT - 42

From: Keisha Sedlacek
To: r1foia@epa.gov
Cc: Arsenault.dan@Epa.gov
Subject: FOIA Request #10 for Records Associated with EPA Region I's Draft NPDES permits in the Great Bay Estuary
Date: Wednesday, September 26, 2012 10:23:30 AM
Attachments: [FOIA Request 10.pdf](#)

To Whom This May Concern:

Please find attached a Freedom for Information Act (FOIA) 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. If you have any questions, please do not hesitate to contact this office.

Sincerely,

Keisha Sedlacek

Hall & Associates
1620 I Street, NW
Suite 701
Washington, DC 20006
Ph.: 202.463.1166
Fax: 202.463.4207
E-Mail: ksedlacek@hall-associates.com

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Washington, DC 20006-4033
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Reply to E-mail:
jhall@hall-associates.com

September 26, 2012

VIA E-MAIL

Regional Freedom of Information Officer
U.S. EPA, Region I (OARMO 1-6)
5 Post Office Square, Suite 100
Boston, MA 02109-3912
E-mail: r1foia@epa.gov

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

To Whom This May Concern:

This is a request for public records pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, as implemented by the Environmental Protection Agency ("EPA") at 40 C.F.R. Part 2. This request is submitted by Hall & Associates on behalf of the Great Bay Municipal Coalition. For purposes of this request, the definition of "records" includes, but is not limited to, documents, letters, memoranda, notes, reports, e-mail messages, policy statements, data, technical evaluations or analysis, and studies.

Request

Generally, this request seeks EPA Region I's records associated with its proposed NPDES permits for Exeter, NH, NPDES Permit No. NH0100871; Newmarket, NH, NPDES Permit No. NH0100196; and Dover, NH, NPDES Permit No. NH0101311 regarding the need to achieve a transparency-based 0.3 mg/l TN instream requirement to allow recovery of eelgrass in the tidal rivers and Great Bay. Specifically, during the depositions of Mr. Philip Trowbridge and Dr. Fred Short the following acknowledgement was made:

There is no analysis of data from the Great Bay Estuary demonstrating transparency caused changes in the eelgrass population in (a) tidal rivers in the Great Bay Estuary or (b) Great Bay/Little Bay.

Please provide us with all analyses of information from the Great Bay Estuary that shows this statement is incorrect. Please note we are only seeking analyses of data collected from the Great Bay Estuary; not analyses from other estuaries that EPA may have relied upon.

Please contact the undersigned if the associated search and duplication costs are anticipated to exceed \$250.00. Please duplicate the records that are responsible to this request and send them to the undersigned at the above address. If any requested records are withheld based upon any asserted privilege, please identify the basis for the non-disclosure. If EPA asserts that it is relying on documents developed by the State of New Hampshire for any of these issues, simply identify the state report which is claimed to contain the relevant information. If the Agency lacks records responsible to a particular item, please note that in the response. If you have any questions regarding this request, please do not hesitate to contact this office so as to ensure that agency resources are conserved and only the necessary documents are reproduced.

Sincerely,

/s/ John C. Hall
JOHN C. HALL

Cc: Dan Arsenault, EPA Region 1

EXHIBIT - 43

From: Keisha Sedlacek
To: r1foia@epa.gov
Cc: Arsenault.dan@Epa.gov
Subject: FOIA Request #11 for Records Associated with EPA Region I's Draft NPDES permits in the Great Bay Estuary
Date: Wednesday, September 26, 2012 10:24:03 AM
Attachments: [FOIA Request 11.pdf](#)

To Whom This May Concern:

Please find attached a Freedom for Information Act (FOIA) 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. If you have any questions, please do not hesitate to contact this office.

Sincerely,

Keisha Sedlacek

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jhall@hall-associates.com

September 26, 2012

VIA E-MAIL

Regional Freedom of Information Officer
U.S. EPA, Region I (OARMO 1-6)
5 Post Office Square, Suite 100
Boston, MA 02109-3912
E-mail: r1foia@epa.gov

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

To Whom This May Concern:

This is a request for public records pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, as implemented by the Environmental Protection Agency ("EPA") at 40 C.F.R. Part 2. This request is submitted by Hall & Associates on behalf of the Great Bay Municipal Coalition. For purposes of this request, the definition of "records" includes, but is not limited to, documents, letters, memoranda, notes, reports, e-mail messages, policy statements, data, technical evaluations or analysis, and studies.

Request

Generally, this request seeks EPA Region I's records associated with its proposed NPDES permits for Exeter, NH, NPDES Permit No. NH0100871; Newmarket, NH, NPDES Permit No. NH0100196; and Dover, NH, NPDES Permit No. NH0101311 regarding the need to achieve a transparency-based 0.3 mg/l TN instream requirement to allow recovery of eelgrass in the tidal rivers and Great Bay. Specifically, during the depositions of Mr. Philip Trowbridge and Dr. Fred Short the following acknowledgement was made:

Data for tidal rivers (Squamscott, Lamprey, Piscataqua) shows TN control will not meaningfully improve transparency.

Please provide us with all analyses of information from the Great Bay Estuary that shows this statement is incorrect. Please note we are only seeking analyses of data collected from the Great Bay Estuary; not analyses from other estuaries that EPA may have relied upon.

Please contact the undersigned if the associated search and duplication costs are anticipated to exceed \$250.00. Please duplicate the records that are responsible to this request and send them to the undersigned at the above address. If any requested records are withheld based upon any asserted privilege, please identify the basis for the non-disclosure. If EPA asserts that it is relying on documents developed by the State of New Hampshire for any of these issues, simply identify the state report which is claimed to contain the relevant information. If the Agency lacks records responsible to a particular item, please note that in the response. If you have any questions regarding this request, please do not hesitate to contact this office so as to ensure that agency resources are conserved and only the necessary documents are reproduced.

Sincerely,

/s/ John C. Hall
JOHN C. HALL

Cc: Dan Arsenault, EPA Region 1

EXHIBIT - 44

From: Keisha Sedlacek
To: r1foia@epa.gov
Cc: Arsenault.dan@Epa.gov
Subject: FOIA Request #12 for Records Associated with EPA Region I's Draft NPDES permits in the Great Bay Estuary
Date: Wednesday, September 26, 2012 10:24:38 AM
Attachments: [FOIA Request 12.pdf](#)

To Whom This May Concern:

Please find attached a Freedom for Information Act (FOIA) 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. If you have any questions, please do not hesitate to contact this office.

Sincerely,

Keisha Sedlacek

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Reply to E-mail:
jhall@hall-associates.com

September 26, 2012

VIA E-MAIL

Regional Freedom of Information Officer
U.S. EPA, Region I (OARMO 1-6)
5 Post Office Square, Suite 100
Boston, MA 02109-3912
E-mail: r1foia@epa.gov

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

To Whom This May Concern:

This is a request for public records pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, as implemented by the Environmental Protection Agency ("EPA") at 40 C.F.R. Part 2. This request is submitted by Hall & Associates on behalf of the Great Bay Municipal Coalition. For purposes of this request, the definition of "records" includes, but is not limited to, documents, letters, memoranda, notes, reports, e-mail messages, policy statements, data, technical evaluations or analysis, and studies.

Request

Generally, this request seeks EPA Region I's records associated with its proposed NPDES permits for Exeter, NH, NPDES Permit No. NH0100871; Newmarket, NH, NPDES Permit No. NH0100196; and Dover, NH, NPDES Permit No. NH0101311 regarding the need to achieve a transparency-based 0.3 mg/l TN instream requirement to allow recovery of eelgrass in the tidal rivers and Great Bay. Specifically, during the depositions of Mr. Philip Trowbridge and Dr. Fred Short the following acknowledgement was made:

Existing transparency is too poor to support eelgrass in tidal rivers (Squamscott, Lamprey, Upper Piscataqua) because of naturally high turbidity and CDOM.

Please provide us with all analyses of information from the Great Bay Estuary that shows this statement is incorrect. Please note we are only seeking analyses of data collected from the Great Bay Estuary; not analyses from other estuaries that EPA may have relied upon.

Please contact the undersigned if the associated search and duplication costs are anticipated to exceed \$250.00. Please duplicate the records that are responsible to this request and send them to the undersigned at the above address. If any requested records are withheld based upon any asserted privilege, please identify the basis for the non-disclosure. If EPA asserts that it is relying on documents developed by the State of New Hampshire for any of these issues, simply identify the state report which is claimed to contain the relevant information. If the Agency lacks records responsible to a particular item, please note that in the response. If you have any questions regarding this request, please do not hesitate to contact this office so as to ensure that agency resources are conserved and only the necessary documents are reproduced.

Sincerely,

/s/ John C. Hall

JOHN C. HALL

Cc: Dan Arsenault, EPA Region 1

EXHIBIT - 45

From: Keisha Sedlacek
To: r1foia@epa.gov
Cc: Arsenault.dan@Epa.gov
Subject: FOIA Request # 13 for Records Associated with EPA Region I's Draft NPDES permits in the Great Bay Estuary
Date: Wednesday, September 26, 2012 10:25:10 AM
Attachments: [FOIA Request 13.pdf](#)

To Whom This May Concern:

Please find attached a Freedom for Information Act (FOIA) 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. If you have any questions, please do not hesitate to contact this office.

Sincerely,

Keisha Sedlacek

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Reply to E-mail:
jhall@hall-associates.com

September 26, 2012

VIA E-MAIL

Regional Freedom of Information Officer
U.S. EPA, Region I (OARMO 1-6)
5 Post Office Square, Suite 100
Boston, MA 02109-3912
E-mail: r1foia@epa.gov

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

To Whom This May Concern:

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Request

Generally, this request seeks EPA Region I's records associated with its proposed NPDES permits for Exeter, NH, NPDES Permit No. NH0100871; Newmarket, NH, NPDES Permit No. NH0100196; and Dover, NH, NPDES Permit No. NH0101311 regarding the need to achieve a transparency-based 0.3 mg/l TN instream requirement to allow recovery of eelgrass in the tidal rivers and Great Bay. Specifically, in a letter dated July 13, 2012 to Ms. Ellen Gilinsky, Senior Policy Advisor in EPA's Office of Water entitled "*Confirmation of Major Scientific*

Errors/Uncertainties Regarding Proposed TN reduction for Great Bay Estuary in Depositions of Mr. Philip Trowbridge and Dr. Fred Short,” the following statement was made:

“Great Bay is not a transparency limited system because eelgrass populations receive sufficient light during the tidal cycle.”

To date, we have not received a response from EPA regarding the July 13, 2012 letter. Please provide us with all analyses of information from the Great Bay Estuary that shows this statement is incorrect. Please note we are only seeking analyses of data collected from the Great Bay Estuary; not analyses from other estuaries that EPA may have relied upon.

Please contact the undersigned if the associated search and duplication costs are anticipated to exceed \$250.00. Please duplicate the records that are responsible to this request and send them to the undersigned at the above address. If any requested records are withheld based upon any asserted privilege, please identify the basis for the non-disclosure. If EPA asserts that it is relying on documents developed by the State of New Hampshire for any of these issues, simply identify the state report which is claimed to contain the relevant information. If the Agency lacks records responsible to a particular item, please note that in the response. If you have any questions regarding this request, please do not hesitate to contact this office so as to ensure that agency resources are conserved and only the necessary documents are reproduced.

Sincerely,

/s/ John C. Hall
JOHN C. HALL

Cc: Dan Arsenault, EPA Region 1

EXHIBIT - 46

From: Keisha Sedlacek
To: r1foia@epa.gov
Cc: Arsenault.dan@Epa.gov
Subject: FOIA Request #14 for Records Associated with EPA Region I's Draft NPDES permits in the Great Bay Estuary
Date: Wednesday, September 26, 2012 10:25:48 AM
Attachments: [FOIA Request 14.pdf](#)

To Whom This May Concern:

Please find attached a Freedom for Information Act (FOIA) 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. If you have any questions, please do not hesitate to contact this office.

Sincerely,

Keisha Sedlacek

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Reply to E-mail:
jhall@hall-associates.com

September 26, 2012

VIA E-MAIL

Regional Freedom of Information Officer
U.S. EPA, Region I (OARMO 1-6)
5 Post Office Square, Suite 100
Boston, MA 02109-3912
E-mail: r1foia@epa.gov

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

To Whom This May Concern:

This is a request for public records pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, as implemented by the Environmental Protection Agency ("EPA") at 40 C.F.R. Part 2. This request is submitted by Hall & Associates on behalf of the Great Bay Municipal Coalition. For purposes of this request, the definition of "records" includes, but is not limited to, documents, letters, memoranda, notes, reports, e-mail messages, policy statements, data, technical evaluations or analysis, and studies.

Request

Generally, this request seeks EPA Region I's records associated with its proposed NPDES permits for Exeter, NH, NPDES Permit No. NH0100871; Newmarket, NH, NPDES Permit No. NH0100196; and Dover, NH, NPDES Permit No. NH0101311 regarding the need to achieve a transparency-based 0.3 mg/l TN instream requirement to allow recovery of eelgrass in the tidal rivers and Great Bay. Specifically, in a letter dated July 13, 2012 to Ms. Ellen Gilinsky, Senior Policy Advisor in EPA's Office of Water entitled "*Confirmation of Major Scientific*

Errors/Uncertainties Regarding Proposed TN reduction for Great Bay Estuary in Depositions of Mr. Philip Trowbridge and Dr. Fred Short,” the following statement was made:

“The best available information shows that transparency in Great Bay and Lower Piscataqua River did not change materially from 1990 to 2005; therefore this parameter could not be the factor causing eelgrass declines found in the system prior to that time as assumed in the draft 2009 numeric criteria.”

To date, we have not received a response from EPA regarding the July 13, 2012 letter. Please provide us with all analyses of information from the Great Bay Estuary that shows this statement is incorrect. Please note we are only seeking analyses of data collected from the Great Bay Estuary; not analyses from other estuaries that EPA may have relied upon.

Please contact the undersigned if the associated search and duplication costs are anticipated to exceed \$250.00. Please duplicate the records that are responsible to this request and send them to the undersigned at the above address. If any requested records are withheld based upon any asserted privilege, please identify the basis for the non-disclosure. If EPA asserts that it is relying on documents developed by the State of New Hampshire for any of these issues, simply identify the state report which is claimed to contain the relevant information. If the Agency lacks records responsible to a particular item, please note that in the response. If you have any questions regarding this request, please do not hesitate to contact this office so as to ensure that agency resources are conserved and only the necessary documents are reproduced.

Sincerely,

/s/ John C. Hall
JOHN C. HALL

Cc: Dan Arsenault, EPA Region 1

EXHIBIT - 47

From: Keisha Sedlacek
To: r1foia@epa.gov
Cc: Arsenault.dan@Epa.gov
Subject: FOIA Request #15 for Records Associated with EPA Region I's Draft NPDES permits in the Great Bay Estuary
Date: Wednesday, September 26, 2012 10:26:42 AM
Attachments: [FOIA Request 15.pdf](#)

To Whom This May Concern:

Please find attached a Freedom for Information Act (FOIA) 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. If you have any questions, please do not hesitate to contact this office.

Sincerely,

Keisha Sedlacek

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Reply to E-mail:
jhall@hall-associates.com

September 26, 2012

VIA E-MAIL

Regional Freedom of Information Officer
U.S. EPA, Region I (OARMO 1-6)
5 Post Office Square, Suite 100
Boston, MA 02109-3912
E-mail: r1foia@epa.gov

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

To Whom This May Concern:

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Request

Generally, this request seeks EPA Region I's records associated with its proposed NPDES permits for Exeter, NH, NPDES Permit No. NH0100871; Newmarket, NH, NPDES Permit No. NH0100196; and Dover, NH, NPDES Permit No. NH0101311 regarding the need to achieve a transparency-based 0.3 mg/l TN instream requirement to allow recovery of eelgrass in the tidal rivers and Great Bay. Specifically, in a letter dated July 13, 2012 to Ms. Ellen Gilinsky, Senior Policy Advisor in EPA's Office of Water entitled "*Confirmation of Major Scientific*

Errors/Uncertainties Regarding Proposed TN reduction for Great Bay Estuary in Depositions of Mr. Philip Trowbridge and Dr. Fred Short,” the following statement was made:

“Transparency in the major tidal rivers (Squamscott, Lamprey, Upper Piscataqua) is poor, but the available data [] shows that: (1) the effect of algal growth on transparency is generally negligible [and] (2) CDOM and turbidity are the key factors controlling transparency in this area of the system.”

To date, we have not received a response from EPA regarding the July 13, 2012 letter. Please provide us with all analyses of information from the Great Bay Estuary that shows this statement is incorrect. Please note we are only seeking analyses of data collected from the Great Bay Estuary; not analyses from other estuaries that EPA may have relied upon.

Please contact the undersigned if the associated search and duplication costs are anticipated to exceed \$250.00. Please duplicate the records that are responsible to this request and send them to the undersigned at the above address. If any requested records are withheld based upon any asserted privilege, please identify the basis for the non-disclosure. If EPA asserts that it is relying on documents developed by the State of New Hampshire for any of these issues, simply identify the state report which is claimed to contain the relevant information. If the Agency lacks records responsible to a particular item, please note that in the response. If you have any questions regarding this request, please do not hesitate to contact this office so as to ensure that agency resources are conserved and only the necessary documents are reproduced.

Sincerely,

/s/ John C. Hall
JOHN C. HALL

Cc: Dan Arsenault, EPA Region 1

EXHIBIT - 48

From: Keisha Sedlacek
To: r1foia@epa.gov
Cc: Arsenault.dan@Epa.gov
Subject: FOIA Request #16 for Records Associated with EPA Region I's Draft NPDES permits in the Great Bay Estuary
Date: Wednesday, September 26, 2012 10:27:20 AM
Attachments: [FOIA Request 16.pdf](#)

To Whom This May Concern:

Please find attached a Freedom for Information Act (FOIA) 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. If you have any questions, please do not hesitate to contact this office.

Sincerely,

Keisha Sedlacek

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Reply to E-mail:
jhall@hall-associates.com

September 26, 2012

VIA E-MAIL

Regional Freedom of Information Officer
U.S. EPA, Region I (OARMO 1-6)
5 Post Office Square, Suite 100
Boston, MA 02109-3912
E-mail: r1foia@epa.gov

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

To Whom This May Concern:

This is a request for public records pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, as implemented by the Environmental Protection Agency ("EPA") at 40 C.F.R. Part 2. This request is submitted by Hall & Associates on behalf of the Great Bay Municipal Coalition. For purposes of this request, the definition of "records" includes, but is not limited to, documents, letters, memoranda, notes, reports, e-mail messages, policy statements, data, technical evaluations or analysis, and studies.

Request

Generally, this request seeks EPA Region I's records associated with its proposed NPDES permits for Exeter, NH, NPDES Permit No. NH0100871; Newmarket, NH, NPDES Permit No. NH0100196; and Dover, NH, NPDES Permit No. NH0101311 regarding the need to achieve a transparency-based 0.3 mg/l TN instream requirement to allow recovery of eelgrass in the tidal rivers and Great Bay. Specifically, in a letter dated July 13, 2012 to Ms. Ellen Gilinsky, Senior Policy Advisor in EPA's Office of Water entitled "*Confirmation of Major Scientific*

Errors/Uncertainties Regarding Proposed TN reduction for Great Bay Estuary in Depositions of Mr. Philip Trowbridge and Dr. Fred Short,” the following statement was made:

Since 2005, there has been “no site-specific research” conducted that was designed to “evaluate the cause of recent eelgrass declines anywhere in the Great Bay system. To date, the causes of such eelgrass declines remain unknown.”

To date, we have not received a response from EPA regarding the July 13, 2012 letter. Please provide us with all analyses of information from the Great Bay Estuary that shows this statement is incorrect. Please note we are only seeking analyses of data collected from the Great Bay Estuary; not analyses from other estuaries that EPA may have relied upon.

Please contact the undersigned if the associated search and duplication costs are anticipated to exceed \$250.00. Please duplicate the records that are responsible to this request and send them to the undersigned at the above address. If any requested records are withheld based upon any asserted privilege, please identify the basis for the non-disclosure. If EPA asserts that it is relying on documents developed by the State of New Hampshire for any of these issues, simply identify the state report which is claimed to contain the relevant information. If the Agency lacks records responsible to a particular item, please note that in the response. If you have any questions regarding this request, please do not hesitate to contact this office so as to ensure that agency resources are conserved and only the necessary documents are reproduced.

Sincerely,

/s/ John C. Hall

JOHN C. HALL

Cc: Dan Arsenault, EPA Region 1

EXHIBIT - 49

From: Keisha Sedlacek
To: r1foia@epa.gov
Cc: Arsenault.dan@Epa.gov
Subject: FOIA Request #17 for Records Associated with EPA Region I's Draft NPDES permits in the Great Bay Estuary
Date: Wednesday, September 26, 2012 10:27:53 AM
Attachments: [FOIA Request 17.pdf](#)

To Whom This May Concern:

Please find attached a Freedom for Information Act (FOIA) 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. If you have any questions, please do not hesitate to contact this office.

Sincerely,

Keisha Sedlacek

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Reply to E-mail:
jhall@hall-associates.com

September 26, 2012

VIA E-MAIL

Regional Freedom of Information Officer
U.S. EPA, Region I (OARMO 1-6)
5 Post Office Square, Suite 100
Boston, MA 02109-3912
E-mail: r1foia@epa.gov

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

To Whom This May Concern:

This is a request for public records pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, as implemented by the Environmental Protection Agency ("EPA") at 40 C.F.R. Part 2. This request is submitted by Hall & Associates on behalf of the Great Bay Municipal Coalition. For purposes of this request, the definition of "records" includes, but is not limited to, documents, letters, memoranda, notes, reports, e-mail messages, policy statements, data, technical evaluations or analysis, and studies.

Request

Generally, this request seeks EPA Region I's records associated with its proposed NPDES permits for Exeter, NH, NPDES Permit No. NH0100871; Newmarket, NH, NPDES Permit No. NH0100196; and Dover, NH, NPDES Permit No. NH0101311 regarding the need to achieve a transparency-based 0.3 mg/l TN instream requirement to allow recovery of eelgrass in the tidal rivers and Great Bay. Specifically, in a letter dated July 13, 2012 to Ms. Ellen Gilinsky, Senior Policy Advisor in EPA's Office of Water entitled "*Confirmation of Major Scientific*

Errors/Uncertainties Regarding Proposed TN reduction for Great Bay Estuary in Depositions of Mr. Philip Trowbridge and Dr. Fred Short,” the following statement was made:

The various DES analyses [submitted to EPA] that confirmed (1) TN increases did not cause changes in transparency, algal levels or DO and (2) a “cause and effect” relationship between TN and transparency/DO did not exist, were excluded from the technical information presented in the 2009 numeric nutrient criteria document and, therefore, were never presented to EPA’s internal peer review panel.

To date, we have not received a response from EPA regarding the July 13, 2012 letter. Please provide us with all documents in EPA’s possession that shows this statement is incorrect. Please note we are only seeking analyses of data collected from the Great Bay Estuary; not analyses from other estuaries that EPA may have relied upon.

Please contact the undersigned if the associated search and duplication costs are anticipated to exceed \$250.00. Please duplicate the records that are responsible to this request and send them to the undersigned at the above address. If any requested records are withheld based upon any asserted privilege, please identify the basis for the non-disclosure. If EPA asserts that it is relying on documents developed by the State of New Hampshire for any of these issues, simply identify the state report which is claimed to contain the relevant information. If the Agency lacks records responsible to a particular item, please note that in the response. If you have any questions regarding this request, please do not hesitate to contact this office so as to ensure that agency resources are conserved and only the necessary documents are reproduced.

Sincerely,

/s/ John C. Hall

JOHN C. HALL

Cc: Dan Arsenault, EPA Region 1

EXHIBIT - 50

From: Keisha Sedlacek
To: r1foia@epa.gov
Cc: Arsenault.dan@Epa.gov
Subject: FOIA Request #18 for Records Associated with EPA Region I's Draft NPDES permits in the Great Bay Estuary
Date: Wednesday, September 26, 2012 10:28:30 AM
Attachments: [FOIA Request 18.pdf](#)

To Whom This May Concern:

Please find attached a Freedom for Information Act (FOIA) 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. If you have any questions, please do not hesitate to contact this office.

Sincerely,

Keisha Sedlacek

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Reply to E-mail:
jhall@hall-associates.com

September 26, 2012

VIA E-MAIL

Regional Freedom of Information Officer
U.S. EPA, Region I (OARMO 1-6)
5 Post Office Square, Suite 100
Boston, MA 02109-3912
E-mail: r1foia@epa.gov

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

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Request

Generally, this request seeks EPA Region I's records associated with its proposed NPDES permits for Exeter, NH, NPDES Permit No. NH0100871; Newmarket, NH, NPDES Permit No. NH0100196; and Dover, NH, NPDES Permit No. NH0101311 regarding the need to achieve a transparency-based 0.3 mg/l TN instream requirement to allow recovery of eelgrass in the tidal rivers and Great Bay. Specifically, during the depositions of Mr. Philip Trowbridge and Dr. Fred Short the following acknowledgement was made:

Dissolved nutrient concentrations (2009-2011) have returned to pre-1995 levels when eelgrass thrived in Great Bay. There is no information from the Great Bay Estuary showing this level of TIN will impair the eelgrass population.

Please provide us with all analyses of information from the Great Bay Estuary that shows this statement is incorrect. Please note we are only seeking analyses of data collected from the Great Bay Estuary; not analyses from other estuaries that EPA may have relied upon.

Please contact the undersigned if the associated search and duplication costs are anticipated to exceed \$250.00. Please duplicate the records that are responsible to this request and send them to the undersigned at the above address. If any requested records are withheld based upon any asserted privilege, please identify the basis for the non-disclosure. If EPA asserts that it is relying on documents developed by the State of New Hampshire for any of these issues, simply identify the state report which is claimed to contain the relevant information. If the Agency lacks records responsible to a particular item, please note that in the response. If you have any questions regarding this request, please do not hesitate to contact this office so as to ensure that agency resources are conserved and only the necessary documents are reproduced.

Sincerely,

/s/ John C. Hall
JOHN C. HALL

Cc: Dan Arsenault, EPA Region 1