

EXHIBIT I

UNITED STATES OF AMERICA
ENVIRONMENTAL PROTECTION AGENCY
BOSTON REGION

In the Matter of:
PUBLIC HEARING:

City Hall
One Junkins Avenue
Portsmouth, New Hampshire

Thursday
September 7, 2006

The above entitled matter came on for hearing,
pursuant to Notice at 7:00 p.m.

BEFORE: ROGER JANSON, Director, NPDES Office
DAMIEN HOULIHAN
Environmental Protection Agency
One Congress Street
Boston, MA 02114

GEORGE BERLANDI
NH Department of Environmental Services

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1 fishes would be thankful for that.

2 So these are really nice options that we have and
3 I do hope that you'll give great consideration to the
4 possibility of doing it right.

5 MR. JANSON: Thank you, Mr. Gregg.

6 Next is Tom Irwin, representing the Conservation
7 Law Foundation.

8 Mr. Irwin.

9 MR. IRWIN: Thank you, Mr. Janson, members of the
10 panel. For the record, my name is Tom Irwin, with the
11 Conservation Law Foundation.

12 CLF is a member supported, nonprofit environmental
13 organization. We work throughout New England. I work out
14 of our Concord, New Hampshire, office. And one of the
15 highest priorities of our office in New Hampshire is the
16 protection of the Great Bay estuary which is clearly one of
17 the state's most unique and sensitive natural treasures.
18 The Piscataqua River, obviously, is a significant part of
19 that estuary system.

20 I'll be brief in my comments. I'm going to submit
21 printed comments for your consideration.

22 First I would state that we strongly support and
23 agree with the EPA's decision to deny a Section 301(H) for
24 the Peirce Island facility. Our greatest concern, and I'll
25 return back to this momentarily, is with timing of

1 implementation. But before I get to that, I will say we
2 have submitted some comments on the actual permit itself,
3 the draft permit.

4 One comment I'd like to make right now, which is
5 also included in our written comments, is that we feel that
6 it's essential that the draft permit be revised to include
7 limits for total nitrogen. The issue of nitrogen loading in
8 the Great Bay estuary is one of growing concern among
9 scientists and researchers who are knowledgeable of the
10 Great Bay estuary, within the context of the Great Bay. It
11 is the Seacoast Regional Wastewater Treatment Study that is
12 currently in process. The Department of Environmental
13 Services itself suggested that, for purposes of assumed --
14 for assumptions to be used in future planning, that for
15 wastewater treatment facilities discharging into estuarine
16 waters, there be a limit of 5 milligrams per liter. DES did
17 suggest for Peirce Island, in particular, that the limits be
18 8 milligrams per liter. Nonetheless, we would advocate the
19 more protective level and rather than simply requiring a
20 recording of nitrogen loads in the effluent, we would
21 strongly urge that the permit be redrafted, amended to
22 include total nitrogen limits, and to do so in a protective
23 manner at a level of 5 milligrams per liter.

24 Now I hope our comments relative to the permit
25 itself won't prove academic, in that, as we know, that the

1 permit has a life time of five years, which gets us to the
2 point of actual implementation of secondary treatment.

3 Obviously, the city now finds itself in a
4 difficult situation with the 301(H) waiver being denied. We
5 think it's essential to place the situation into context, in
6 which we find ourselves, which is that we are now dealing
7 with essentially a reversal of a 301(H) waiver that was
8 first granted in 1985, which technically expired in 1990,
9 only to be continued on an administrative basis.

10 So we've been dealing with this problem for well
11 over a decade. We strongly urge that the EPA work with the
12 city to develop and implement an aggressive time schedule,
13 time line to address this issue.

14 We are not advocating that the plant remain on
15 Peirce Island. What we are advocating is that the city and
16 EPA devote whatever resources are necessary to address this
17 issue in a very timely manner.

18 And I would agree strongly with Mr. Borden, who
19 said that this planning process should not proceed in a
20 linear manner. It needs to proceed in a more iterative
21 manner that is more time effective, time efficient, so that
22 we don't find ourselves ten years from now still wondering
23 what the City of Portsmouth is going to do in terms of its
24 treatment.

25 So with that, I will close my comments and submit

1 our written comments.

2 MR. JANSON: Thank you, Mr. Irwin.

3 Next I recognize Mr. Glenn Normandeau, Chairman of
4 the New Hampshire Fish & Game Commission.

5 Mr. Normandeau.

6 MR. NORMANDEAU: Good evening. My name is Glenn
7 Normandeau, and I live at 15 Pickering Avenue, which is
8 waterfront directly across from Peirce Island. I also am a
9 Coastal Commissioner for the New Hampshire Fish & Game, and
10 currently the chairman of that commission. And until
11 recently, I was also a member of the Wetlands Appeals
12 Council.

13 I kind of have two hats here tonight. As a Fish &
14 Game Commissioner, I certainly support the clean water
15 situation that I think does need to be addressed at Peirce
16 Island. As a resident of Portsmouth, laboring under a
17 rather large tax burden that we have here, as well as
18 someone who is looking at Peirce Island every single day of
19 the week and through almost every window of my house and
20 have been for many, many years, the thought of seeing it
21 butchered with sewer lagoons a la Exeter, is to me quite
22 appalling.

23 I have to say that while I think that things
24 should proceed in an expedited manner, I would hope that the
25 EPA does give the city time to do what needs to be done to