

EXHIBIT - 33

From: Keisha Sedlacek
To: ["r1foia@epa.gov"](mailto:r1foia@epa.gov)
Cc: ["Arsenault.dan@Epa.gov"](mailto:Arsenault.dan@Epa.gov)
Subject: FOIA Request for Records Associated with EPA Region I's Draft NPDES permits in the Great Bay Estuary
Date: Wednesday, September 26, 2012 10:15:35 AM
Attachments: [FOIA Request 1.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, 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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1620 I Street, NW
Washington, DC 20006-4033
Telephone: (202) 463-1166 Web: <http://www.hall-associates.com> Fax: (202) 463-4207

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 deposition of Dr. Fred Short the following acknowledgement was made:

Dr. Fred Short has not conducted research in the Great Bay Estuary that was designed to demonstrate what factors are causing changes in eelgrass populations.

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 - 34

From: Keisha Sedlacek
To: ["r1foia@epa.gov"](mailto:r1foia@epa.gov)
Cc: ["Arsenault.dan@Epa.gov"](mailto:Arsenault.dan@Epa.gov)
Subject: FOIA Request #2 for Records Associated with EPA Region I's Draft NPDES permits in the Great Bay Estuary
Date: Wednesday, September 26, 2012 10:17:03 AM
Attachments: [FOIA Request 2.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, NPDES Permit No. NH0101311. If you have any questions, please do not hesitate to contact this office.

Sincerely,

Keisha Sedlacek

Hall & Associates
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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 included in the Fact Sheets for the draft NPDES the following acknowledgement was made:

Cause of eelgrass loss in tidal rivers is unknown.

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 - 35

From: Keisha Sedlacek
To: r1foia@epa.gov
Cc: Arsenault.dan@Epa.gov
Subject: FOIA Request #3 for Records Associated with EPA Region I's Draft NPDES permits in the Great Bay Estuary
Date: Wednesday, September 26, 2012 10:18:19 AM
Attachments: [FOIA Request 3.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,

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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:

A large increase in rainfall and major floods occurring in 2006 (a natural condition) could be the primary cause of significant eelgrass declines that occurred in Great Bay during that period due to increased turbidity and CDOM. DES failed [in declaring that Great Bay was nutrient impaired] to assess the importance of these events in triggering the eelgrass decline in the system despite the obvious temporal correlation.

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 - 36

From: Keisha Sedlacek
To: r1foia@epa.gov
Cc: Arsenault.dan@Epa.gov
Subject: FOIA Request #4 for Records Associated with EPA Region I's Draft NPDES permits in the Great Bay Estuary
Date: Wednesday, September 26, 2012 10:19:37 AM
Attachments: [FOIA Request 4.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
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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, 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:

“[In the Great Bay Estuary] numeric TN criteria for eelgrass and DO were not based on a demonstrated ‘cause and effect’ relationship [for this 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 - 37

From: Keisha Sedlacek
To: r1foia@epa.gov
Cc: Arsenault.dan@Epa.gov
Subject: FOIA Request #5 for Records Associated with EPA Region I's Draft NPDES permits in the Great Bay Estuary
Date: Wednesday, September 26, 2012 10:20:19 AM
Attachments: [FOIA Request 5.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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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:

There is no analysis of data from the Great Bay Estuary demonstrating increasing TN levels 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 - 38

From: Keisha Sedlacek
To: r1foia@epa.gov
Cc: Arsenault.dan@Epa.gov
Subject: FOIA Request #6 for Records Associated with EPA Region I's Draft NPDES permits in the Great Bay Estuary
Date: Wednesday, September 26, 2012 10:20:53 AM
Attachments: [FOIA Request 6.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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Ph.: 202.463.1166
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Reply to E-mail:
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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:

There is no analysis of data from the Great Bay Estuary demonstrating macroalgae growth caused changes in the eelgrass population in 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 - 39

From: Keisha Sedlacek
To: r1foia@epa.gov
Cc: Arsenault.dan@Epa.gov
Subject: FOIA Request #7 for Records Associated with EPA Region I's Draft NPDES permits in the Great Bay Estuary
Date: Wednesday, September 26, 2012 10:21:27 AM
Attachments: [FOIA Request 7.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
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Fax: 202.463.4207
E-Mail: ksedlacek@hall-associates.com

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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

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There is no documentation showing that excessive macroalgae growth is occurring in the tidal rivers of the Great Bay Estuary.

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 - 40

From: Keisha Sedlacek
To: r1foia@epa.gov
Cc: Arsenault.dan@Epa.gov
Subject: FOIA Request #8 for Records Associated with EPA Region I's Draft NPDES permits in the Great Bay Estuary
Date: Wednesday, September 26, 2012 10:22:07 AM
Attachments: [FOIA Request 8.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.

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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 and in the Memorandum of Agreement between the Great Bay Municipal Coalition and DES, the following acknowledgement was made:

Epiphytes have not been demonstrated to be a major factor adversely impacting eelgrass populations in the Great Bay Estuary.

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 - 41

From: Keisha Sedlacek
To: r1foia@epa.gov
Cc: Arsenault.dan@Epa.gov
Subject: FOIA Request #9 for Records Associated with EPA Region I's Draft NPDES permits in the Great Bay Estuary
Date: Wednesday, September 26, 2012 10:22:48 AM
Attachments: [FOIA Request 9.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, 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:

“Algal levels [in Great Bay/Little Bay] did not change materially from 1980 to present, despite an estimated 59% increase in TN levels between 1980 and 2012 and therefore TN inputs could not have caused changed transparency [in Great Bay/Little Bay.]”

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