



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop Session
Meeting Location: Media Access Center, McConnell Center
Meeting Date: **Wednesday, February 20, 2013**
Meeting Time: **7:00 pm**

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Mayor Trefethen led the Pledge of Allegiance.

4. ROLL CALL ATTENDANCE

Present: Mayor Trefethen, Deputy Mayor Carrier, Councilor Cheney, Councilor Crago, Councilor Garrison, Councilor Hooper, and Councilor Weeden.

Absent: Councilor Spuler and Councilor Weston.

Also Present: City Manager Joyal, General Legal Counselor Krans, and City Clerk Lavertu.

5. DISCUSSIONS

A. GREAT BAY WATER QUALITY ISSUE

Mayor Trefethen introduced Thomas Burack, Commissioner for the Department of Environmental Services (DES).

Commissioner Burack introduced his staff. Vicki Quiram, Assistant Commissioner; Ted Diers, Watershed Management Bureau Administrator; and Harry Stewart, NHDES Water Division Director.

Mayor Trefethen said New Hampshire Senator David Watters was also present.

Mayor Trefethen went over the ground rules for this workshop. He said they were concerned about what was happening in the Great Bay, and they're concerned about the cost to clean up the water. This meeting was a chance to hear things from both parties that the other hasn't heard and may consider.

Commissioner Burack said they have been listening to the Council's concerns and hoped to form a constructive partnership in the years ahead. He gave an overview to the Council regarding the background behind the proposed legislation SB110 and their beliefs that this is a constructive path. He referred to the 2009 DES report and discussed the nitrogen levels failing to meet water quality goals. He understood the frustration that the EPA doesn't seem to be able to accept the 8 milligrams per liter goal, but his understanding is that the EPA is legally obligated to permit for the 3 milligrams per liter, but can provide flexibility on the timeline. He said they have asked EPA to provide a long phased approach of using treatment facility improvements within 5 years and review in 10 years to review if the 3 milligrams per liter would be required. He said at the same time they would need to work together to develop the data that would show sufficient water quality improvements to obviate the need for further reductions in the future. He said this was a similar agreement that was entered into with Exeter and Newmarket. He listed the number of actions that they



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needed to do to move forward: more analysis and data collection, remove impairment for both point sources and nonpoint sources, and find outside funding sources for the data collection, analysis, and infrastructure so the local communities don't have to bear the brunt of this expense.

Senator Watters said they recognized Dover's commitment to 8 milligrams per liter. He said SB110 was a vehicle for negotiation. He asked DES what studies can do differently going forward.

Mr. Diers said it's only been within the last decade that they have been doing the kind of intensive monitoring that allow them to document reasonable conclusion. He said the key to moving forward is to increase the frequency of data collection. He explained chlorophyll studies. He said they needed more studies, a larger budget, to make sure the City's investments are efficient.

Councilor Weeden asked if the science should be developed before EPA requires 60-62 communities to pay the expense of improving the wastewater treatment facilities.

Mr. Diers said DES doesn't get to make the decision on the EPA permit. He said they have to make decisions even when they don't have enough data. He said they see all of the symptoms of too much nitrogen in the Great Bay Estuary.

Commissioner Burack said only the EPA can tell you what the right permit limit is. He doesn't think it would be a good investment to have another peer review.

Councilor Crago discussed the situation and the affect it will have on Dover citizens, which would double their water/sewer bill. He asked why the Commissioner signed the movement to require the 3 milligrams per liter. He asked why there was such a rush.

Commissioner Burack discussed DES's role. He said they don't administer the permit, but the EPA does. He said they try to work with the EPA and communities. He said they are the overseer of state's water resources. He said the EPA has to follow the law of the Clean Water Act even if money isn't available. He discussed new technologies to offset the costs. Mr. Diers clarified the difference between .3 in the 2009 report and the 3 milligrams per liter in the EPA permit.

Councilor Crago asked again for a peer review to look at the science.

Mr. Stewart explained that the EPA knows the water is impaired. The .3 level in the 2009 DES report has nothing to do with the 3 milligrams per liter nitrogen requirement. He said they have talked about the 8 milligrams per liter nitrogen level with the EPA. It is their opinion that that number is not low enough for the amount of water. He said the EPA's compromise is the phased approach of going to 8 milligrams per liter in five years and be reviewed in 10 years.

Councilor Garrison asked for clarification of the phased approach and timeline flexibility

Commissioner Burack explained the process.

Councilor Garrison started a discussion regarding regionalizing water treatment systems.

Commissioner Burack spoke about the Southeast Watershed Alliance, and encouraged and said DES will help the communities to look at working together to get this project completed.

Councilor Garrison asked about nonpoint sources outweighing point sources.



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Mr. Diers explained the HB393, which would lower the nonpoint source of nitrogen by 2 or 3 percent. He said the Bill will be in executive session on Tuesday.

Councilor Cheney talked about the differences in the science reports they have seen. She talked about the eel grass and oysters recovering and coming back. She said they should have another peer review, because Great Bay is unique.

Mr. Diers said eel grass isn't the only part of the research. He explained how the Estuary is very complex. He said it's well documented that the conditions are in decline, and there is scientific consensus that nitrogen levels have to be lowered.

Councilor Hooper talked about the amount of money needed to do this being the real issue behind this problem. The City wasn't going to get federal or state funds for this.

Commissioner Burack said he understood that completely.

Mayor Trefethen talked about the conflicting information they are receiving. He asked that the DES support the City and other communities having the nitrogen level be 8 milligrams per liter for now, which is a substantial change. He talked about the Maine treatment plants not having to comply with the EPA. He asked how much of the DES's budget is funded by the State of New Hampshire.

Commissioner Burack said their budget is \$190 million, currently 35% if federal money, 7% is general fund money, and the remainder is from other funds.

Mayor Trefethen said he has learned a lot and thanked the Commissioner and his staff for coming.

6. CITIZEN'S FORUM

Citizens are invited to speak on the subject matter of the Workshop. Statements shall be limited to five minutes.

Holly Grossman, owner of several properties on Mill Street: She said she is concerned about Great Bay and willing to pay more. She asked for Dover to drop the appeal of Newmarket/Exeter permits. She urged the Council to do the right thing.

Representative Peter Schmidt, 53A Fourth Street: He congratulated the Council for having this workshop. He said it was in the best interest of citizens for dialogue to continue.

Mayor Trefethen, seeing no one else wishing to speak, closed the Citizen's Forum.

7. ADJOURNMENT

Deputy Mayor Carrier moved to adjourn; seconded by Councilor Weeden.

Vote: 7/0.