

Congress of the United States
Washington, DC 20515

February 25, 2015

Curt Spalding, Regional Administrator
USEPA Region I
5 Post Office Square, Suite 100
Boston, MA 02109

Re: Great Bay Municipal Coalition Peer Review Request

Dear Regional Administrator Spalding:

We are writing on behalf of the New Hampshire Great Bay Municipal Coalition, consisting of the cities of Dover, Portsmouth and, Rochester, who have contacted us requesting assistance with the ongoing concerns they have with the Environmental Protection Agency.

As you are aware, a prior peer review conducted in 2014 for the Great Bay Estuary confirmed that the application of simplified methods to develop nutrient criteria endpoints was not scientifically defensible and did not accurately characterize nutrient impacts on that system. See, *February 13, 2014 Joint Report of Peer Review Panel for the Numeric Nutrient Criteria for the Great Bay Estuary New Hampshire Department of Environmental Services (June, 2009)*.

Since the issuance of that report, the communities and NHDES have been working very cooperatively to cost-effectively reduce nutrient loadings to the system (as a precautionary measure) and conduct evaluations designed to document whether or not nutrient loadings are having an adverse effect on the system's ecology. Considerable state and local resources are being devoted to this endeavor.

After the 2014 peer review, we understand that a new simplified method (called the Sentinel Approach) was developed by EPA Region I to set stringent nutrient reduction requirements for estuaries in New England. Because the Great Bay Municipal Coalition was concerned that EPA might now seek to apply the Sentinel Method or another similar, simplified approach in developing NPDES permits for their facilities, the Coalition supported a request that EPA Headquarters conduct a Science Advisory Board peer review of the new methods.

EPA Headquarters declined to undertake a review of the Region's latest approach. However, in discussions with our offices, EPA Region I staff informed us that EPA will not attempt to apply simplified methods, like the Sentinel Method, when making permit or other nutrient impact regulatory determinations for the Great Bay Estuary.

We believe EPA's decision to not apply simplified methods, like the Sentinel Method, when making permit or other nutrient impact regulatory determinations for the Great Bay Estuary would be quite reasonable under the circumstances and request your confirmation, in writing, that:

- EPA will not seek to apply simplified nutrient impact assessment methods to the Great Bay Estuary.
- EPA agrees that it is appropriate to await the completion of the new studies and evaluations being implemented on a local level, before determining whether or not further nutrient reduction measures are needed.

We appreciate your response and hope to continue to work collaboratively to address the challenging issues facing the Great Bay Estuary.

cc. Great Bay Municipal Coalition
New Hampshire Department of Environmental Services
Gina McCarthy, Administrator, USEPA

Sincerely,



Kelly A. Ayotte
United States Senator



Frank C. Guinta
Member of Congress