

IN RE DRAFT NPDES
GREAT BAY TOTAL NITROGEN
GENERAL PERMIT FOR
WASTEWATER TREATMENT FACILITIES
IN NEW HAMPSHIRE
NGH58A000

DECLARATION OF DEAN PESCHEL

Dean Peschel, being duly sworn, declares as follows:

1. I am the former Environmental Project Manager for the City of Dover, New Hampshire and currently am engaged as a consultant for environmental matters by the City of Dover, NH. I am personally familiar with the facts stated herein.
2. I attended a meeting with a number of Great Bay Communities and USEPA and NHDES subsequent to the release of the peer review. During that meeting, a representative of USEPA, David Pinkham, stated that USEPA knew transparency was not affected by phytoplankton growth in the estuary and therefore TN had not caused any change in system transparency, adversely affecting eelgrass resources. This statement was made after USEPA had issued a draft NPDES Permit for Dover in which USEPA stated nitrogen was stimulating phytoplankton growth impacting transparency and inhibiting eelgrass growth.
3. I attended several meetings with NHDES. During one such meeting in September 2019, during which representatives from Dover and Rochester and a presentative from HDR attempted to discuss and explain HDR's Hydrodynamic model and a possible concentration-based approach to regulation, Clark Freise, the NHDES Assistant Administrator stated to me that it was too late to stop the draft general

permit for Great Bay because the agencies had “gone too far down the road” with the general permit and that USEPA was pushing to finalize the Permit.

4. Mr. Freise also stated that he would not talk to the communities about the applicability of the Latimer Study upon which USEPA relies for its loading limit. Instead the communities would have to present their own analysis of the appropriate load limit.
5. Ted Diers, NHDES Watershed Management Bureau Administrator, stated to me that if the modeling developed by the communities did not show that nitrogen reduction was required for Great Bay, the model would not be accepted by the Agencies.

Dated: May 6, 2020

/s/ Dean Peschel