

From: John Hall
Sent: Monday, February 3, 2020 11:44 AM
To: Latimer, Jim <Latimer.Jim@epa.gov>
Subject: RE: Information request regarding GB System - confidential communication
Importance: High

Dear Jim

I am sending this email to you in strict confidence with the hope that you will assist in righting a serious wrong. Enclosed are two reports completed by Dr. Brian Howes, a colleague of yours.

As I'm sure you know by now, EPA Region I has proposed to create extremely restrictive TN reduction requirements for the Great Bay system, relying principally on Latimer and Rego (2010). Given that TN concentrations in this system are already below the levels found protective of eelgrass in over 70 New England embayments, objectively, we also know that there is no reasonable expectation of improving eelgrass growth in the Great Bay system with further TN reduction. What you may not know is that application of your paper to the GB system will trigger unnecessary nutrient reduction costs for the communities *in excess of \$400 million*. This situation is unconscionable, given what we both know to be the well-documented causes of eelgrass decline in this system (Mother's Day storm and periodic outbreaks of wasting disease). (See Dr. Howes' hydrodynamic modeling assessment)

As you know, we had attempted to have further scientific discussions with you in late 2018/early 2019 to clarify various technical issues that would confirm whether application of your 2010 paper to the GB system was reasonable. However, we were cut off by both EPA and DES – so Dr. Howes performed an independent assessment. (Enclosure) We are aware that you previously informed EPA Region I that basing TN reduction for the GB system on your paper was not appropriate – which certainly explains why they sought to prevent further communications with us. Such actions by Region I staff constitute regulatory malfeasance and is a basis for a federal tort claim action against the persons responsible for this abuse. Apparently, they hoped such information would not come to light, but they are wrong. To obtain that information, on Friday I filed a FOIA request to obtain all communications between you and EPA Region I. (Attachment -R1 FOIA)

With that said, it is my belief that throughout the process, you have demonstrated integrity and honesty. You tried to provide us with the information that would have avoided misapplication of your work in November 2018. **I am contacting you with the hope that you will transmit to us, EPA Region I and DES, a short, written statement, confirming that you reviewed Dr. Howes' assessments and concur with his conclusions that regulating TN in Great Bay, based on Latimer and Rego (2010), is not scientifically defensible.** This action will serve two purposes: (1) hopefully it will promptly bring a level of sanity to this highly improper regulatory action and (2), if that fails to occur, at least you will not be the focus of an Inspector General inquiry over EPA Region I's actions that, I can assure you, will ensue shortly thereafter.

Jim – I know I'm asking you to do something difficult, but it is EPA Region I and DES that has placed both you and me in this position. Please let me know if you can provide the communications that we are seeking.

Thanks,

DOVER 001981

John

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