



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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August 29, 2011

Mr. Ted Diers
Administrator, Watershed Management Bureau
New Hampshire Department of Environmental Services
29 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095

Dear Mr. Diers:

Thank you for New Hampshire's submittal of the *TMDL Report for 58 Bacteria Impaired Waters in New Hampshire*. These rivers, streams, lakes, ponds, and tidal waters are included on New Hampshire's draft 2010 303(d) list. The purpose of the TMDL report is to address impairment of primary contact recreation and shellfishing (tidal waters) due to bacteria from improperly treated human waste, and storm water runoff.

The U.S. Environmental Protection Agency hereby approves New Hampshire's August 10, 2011 fifty nine (59) bacteria TMDLs for 58 waters. EPA has determined that these 59 TMDLs, in conjunction with the TMDL documentation supporting New Hampshire's *Statewide Bacteria TMDLs*, approved by EPA on September 21, 2010, meet the requirements of Section 303(d) of the Clean Water Act (CWA), and of EPA's implementing regulations (40 CFR Part 130). Attached is a copy of our approval documentation.

My staff and I look forward to continued cooperation with the New Hampshire DES in exercising our shared responsibility of implementing the requirements under Section 303(d) of the CWA.

Sincerely,

Stephen S. Perkins, Director
Office of Ecosystem Protection

cc: Harry Stewart (NHDES)
Gregg Comstock (NHDES)
Peg Foss (NHDES)
Stephen Silva (EPA)
Steven Winnett (EPA)

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ENVIRONMENTAL SERVICES

EPA NEW ENGLAND'S TMDL REVIEW

TMDL: TMDLs for 58 Bacteria Impaired Waters in New Hampshire

Location: Statewide, New Hampshire

STATUS: Final

IMPAIRMENT/POLLUTANT: These fifty eight (58) water body segments are not meeting criteria for indicator bacteria and are not supporting the designated uses of Shellfishing and/or Primary Contact Recreation Use. They are impaired with eschericia coli (e.coli), enterococcus, and/or fecal coliform bacteria. Year-around TMDL submissions are presented for these indicator bacteria.

BACKGROUND: The NH Department of Environmental Services (DES) submitted to EPA New England the final Total Maximum Daily Load Analyses for *58 Bacteria Impaired Waters* (the "TMDLs," "submissions," or "Reports") with a transmittal letter dated August 10, 2011. DES resubmitted their final TMDL package with additional information on August 25, 2011. Earlier, DES sent EPA supporting materials in April 2011, and sent a full draft report on June 6, 2011. EPA responded with comments in June 10 and July 14, 2011, respectively.

The submission included:

- Letter of transmission
- Final TMDL reports for bacteria in 58 water bodies, including a core report and 13 appendices;
- Response to Public Comments and comment letter received;

The following review explains how the TMDL submissions meet the statutory and regulatory requirements of TMDLs in accordance with § 303(d) of the Clean Water Act and EPA's implementing regulations in 40 CFR Part 130.

REVIEWERS: Steven Winnett (617-918-1687) E-mail: winnett.steven@epa.gov

REVIEW ELEMENTS OF TMDLs

Section 303(d) of the Clean Water Act (CWA) and EPA's implementing regulations at 40 C.F.R. § 130 describe the statutory and regulatory requirements for approvable TMDLs. The following information is generally necessary for EPA to determine if a submitted TMDL fulfills the legal requirements for approval under Section 303(d) and EPA regulations, and should be included in the submittal package. Use of the verb "must" below denotes information that is required to be submitted because it relates to elements of the TMDL required by the CWA and by regulation.

Please also see:

- **Approval letter for Statewide Bacteria TMDLs, dated September 21, 2011**
- **Approval document for 379 Bacteria Impaired Waters in New Hampshire, dated September 21, 2010.**

Public Participation

EPA policy is that there must be full and meaningful public participation in the TMDL development process. Each State/Tribe must, therefore, provide for public participation consistent with its own continuing planning process and public participation requirements (40 C.F.R. § 130.7(c)(1)(ii)). In guidance, EPA has explained that final TMDLs submitted to EPA for review and approval must describe the State/Tribe's public participation process, including a summary of significant comments and the State/Tribe's responses to those comments. When EPA establishes a TMDL, EPA regulations require EPA to publish a notice seeking public comment (40 C.F.R. § 130.7(d)(2)).

Inadequate public participation could be a basis for disapproving a TMDL; however, where EPA determines that a State/Tribe has not provided adequate public participation, EPA may defer its approval action until adequate public participation has been provided for, either by the State/Tribe or by EPA.

NH DES summarizes its public participation in the TMDL reports (TMDL Section 3). NH DES released the draft TMDLs to the public on June 15, 2011. The release of the draft was announced on the Department's website and mail and email notices were sent to the 41 affected towns, state government agencies, and stakeholder groups. The releases began 45 day comment period, which ended on July 22, 2011. The agency received one comment on the draft TMDLs. The TMDL submissions include copies of the submitted comments and the Department's responses in appendices to the final TMDL submissions.

Assessment: EPA New England has reviewed the public comment and the agencies' responses to it. EPA concludes that NH DES involved the public during the development of the *TMDL Report for 58 Bacteria Impaired Waters*, has provided adequate opportunities for the public to comment on the TMDLs, and has provided reasonable responses to the comments received.

Table 1. Bacteria impaired waters.

AU count	Water Body ID #	Water Body name	Town	Pollutant	TMDL – end point
1	NHEST600031001-03	UPPER SAGAMORE CREEK (2 impairments)	PORTSMOUTH	Enterococcus	35/104 col/100ml
2	NHEST600031004-07	MILL CREEK	SEABROOK	Fecal coliform	14/43 fc/100ml
3	NHEST600031004-08-04	BLACKWATER RIVER	SEABROOK	Enterococcus	35/104 col/100ml
4	NHIMP700030304-04-02	SILVER BROOK - SILVER LAKE RESERVOIR BEACH	WARNER	Enterococcus	35/104 col/100ml
5	NHIMP700060902-13-02	CAMP ANN JACKSON GIRL SCOUT POND SWIMMING AREA	WILTON	Escherichia coli	47/88 col/100ml
6	NHLAK600020802-04-05	OSSIPEE LAKE - OSSIPEE LAKE NATURAL AREA	FREEDOM	Escherichia coli	47/88 col/100ml
7	NHLAK700030102-01-02	THORNDIKE POND - TOWN BEACH	JAFFREY	Escherichia coli	47/88 col/100ml
8	NHLAK700030103-06-02	MACDOWELL RESERVOIR - MACDOWELL RESERVOIR BEACH	PETERBOROUGH	Escherichia coli	47/88 col/100ml
9	NHLAK700030105-02-05	OTTER LAKE - GREENFIELD SP CAMPING BEACH	GREENFIELD	Escherichia coli	47/88 col/100ml
10	NHLAK700030201-03-02	HIGHLAND LAKE-HIGHLAND LAKE BOAT LAUNCH	STODDARD	Escherichia coli	47/88 col/100ml
11	NHLAK700030302-04-03	LAKE MASSASECUM - FRENCH'S PARK TOWN BEACH	BRADFORD	Escherichia coli	47/88 col/100ml
12	NHLAK700060502-08-04	NORTHWOOD LAKE - LYNN GROVE ASSOCIATION BEACH	NORTHWOOD	Escherichia coli	47/88 col/100ml
13	NHLAK700060601-01-02	DEERING RESERVOIR - DEERING LAKE BEACH	DEERING	Escherichia coli	47/88 col/100ml
14	NHLAK700061101-04-02	ARLINGTON MILL RESERVOIR-SECOND ST BEACH	SALEM	Escherichia coli	47/88 col/100ml
15	NHLAK700061102-06-02	MILLVILLE LAKE - TOWN BEACH	SALEM	Escherichia coli	47/88 col/100ml
16	NHLAK801040402-02-02	STORRS POND - RECREATION AREA BEACH	HANOVER	Escherichia coli	47/88 col/100ml
17	NHLAK801040402-02-03	STORRS POND - ADULT BEACH	HANOVER	Escherichia coli	47/88 col/100ml
18	NHLAK802020103-08-02	PEARLY LAKE-PEARLY LAKE BEACH	RINDGE	Escherichia coli	47/88 col/100ml
19	NHLAK802020202-02-02	LAUREL LAKE - TOWN BEACH	FITZWILLIAM	Escherichia coli	47/88 col/100ml
20	NHLAK600030405-03	WILLAND POND	SOMERSWORTH	Escherichia coli	47/153 col/100ml
21	NHRIV600030902-16	WENDYS BROOK	LEE	Escherichia coli	47/153 col/100ml
22	NHRIV801070503-10	SEAMANS INLET	CHESTERFIELD	Escherichia coli	47/153 col/100ml
23	NHIMP600031004-06	CAINS BROOK - NOYES POND	SEABROOK	Escherichia coli	126/406 col/100ml
24	NHIMP700040402-03	NASHUA RIVER - NASHUA CANAL DIKE	NASHUA	Escherichia coli	126/406 col/100ml
25	NHLAK801040402-03	WILDER LAKE	LYME	Escherichia coli	126/406 col/100ml
26	NHRIV600030601-08	MAD RIVER	FARMINGTON	Escherichia coli	126/406 col/100ml
27	NHRIV600030607-10	ISINGLASS RIVER	ROCHESTER	Escherichia coli	126/406 col/100ml
28	NHRIV600030902-11	LITTLEHOLE CREEK	DURHAM	Escherichia coli	126/406 col/100ml
29	NHRIV600031004-21	UNNAMED BROOK - TO CAINS MILL POND	SEABROOK	Escherichia coli	126/406 col/100ml

30	NHRIV700010402-12	UNNAMED BROOK - TO BEEBE RIVER	CAMPTON	Escherichia coli	126/406 col/100ml
31	NHRIV700010802-10	SALMON BROOK	SANBORNTON	Escherichia coli	126/406 col/100ml
32	NHRIV700030302-08	DAVIS BROOK	BRADFORD	Escherichia coli	126/406 col/100ml
33	NHRIV700030504-14	FRENCH BROOK	HENNIKER	Escherichia coli	126/406 col/100ml
34	NHRIV700040301-03	WALKER BROOK	GREENVILLE	Escherichia coli	126/406 col/100ml
35	NHRIV700060502-20	UNNAMED BROOK - TO JENNESS POND	NORTHWOOD	Escherichia coli	126/406 col/100ml
36	NHRIV700060607-35	UNNAMED BROOK - TO PISCATAQUOG RIVER	MANCHESTER	Escherichia coli	126/406 col/100ml
37	NHRIV700060802-09	MESSER BROOK	HOOKSETT	Escherichia coli	126/406 col/100ml
38	NHRIV700060901-08	FURNACE BROOK	NEW IPSWICH	Escherichia coli	126/406 col/100ml
39	NHRIV700060901-17	APPLETON-GIBBS BROOK	NEW IPSWICH	Escherichia coli	126/406 col/100ml
40	NHRIV700060905-13	MCQUADE BROOK	BEDFORD	Escherichia coli	126/406 col/100ml
41	NHRIV801060102-03	INDIAN RIVER - UNNAMED BROOK	CANAAN	Escherichia coli	126/406 col/100ml
42	NHRIV802010102-11	ASHUELOT RIVER - UNNAMED BROOK	MARLOW	Escherichia coli	126/406 col/100ml
43	NHRIV802010301-04	ASHUELOT RIVER - ACOE DAM TO ASHUELOT RIVER DAM POND	KEENE	Escherichia coli	126/406 col/100ml
44	NHRIV802010303-13	SOUTH BRANCH ASHUELOT RIVER - UNNAMED BROOK	TROY	Escherichia coli	126/406 col/100ml
45	NHRIV802010403-19	ASHUELOT RIVER	HINSDALE	Escherichia coli	126/406 col/100ml
46	NHRIV700060802-15	RAYS BROOK	MANCHESTER	Escherichia coli	126/406 col/100ml
47	NHRIV600030901-06	NORTON BROOK	GREENLAND	Escherichia coli	126/406 col/100ml
48	NHRIV600030904-05	FOSS BROOK	GREENLAND	Escherichia coli	126/406 col/100ml
49	NHRIV700030304-31	UNNAMED BROOK - PLEASANT POND TO TOM POND	WARNER	Escherichia coli	126/406 col/100ml
50	NHEST600030406-01	SALMON FALLS RIVER	DOVER	Fecal coliform	14/43 fc/100ml
51	NHEST600030608-01	COCHeco RIVER	DOVER	Fecal coliform	14/43 fc/100ml
52	NHEST600030904-01	WINNICUT RIVER	GREENLAND	Fecal coliform	14/43 fc/100ml
53	NHEST600031001-01-01	UPPER PISCATAQUA RIVER-NH-NORTH	DOVER	Fecal coliform	14/43 fc/100ml
54	NHEST600031001-01-03	UPPER PISCATAQUA RIVER-NH-SOUTH	DOVER	Fecal coliform	14/43 fc/100ml
55	NHEST600031002-03	CHAPEL BROOK	NORTH HAMPTON	Fecal coliform	14/43 fc/100ml
56	NHEST600031002-04	UNNAMED BROOK TO BASS BEACH	RYE	Fecal coliform	14/43 fc/100ml
57	NHEST600031002-05	PARSONS CREEK	RYE	Fecal coliform	14/43 fc/100ml
58	NHEST600031004-10	LITTLE RIVER	NORTH HAMPTON	Fecal coliform	14/43 fc/100ml