

For Execution

**AMENDMENT TO RENEW AND UPDATE**  
**INTERMUNICIPAL AGREEMENT**  
**FOR DEVELOPMENT OF AN ADAPTIVE WATER QUALITY MANAGEMENT PLAN**  
**FOR GREAT BAY ESTUARY**

The parties to this Amendment to Renew and Update the Intermunicipal Agreement for Development of an Adaptive Water Quality Management Plan for Great Bay Estuary are the current members of the Municipal Alliance for Adaptive Management consisting of the New Hampshire communities of City of Dover, Town of Epping, Town of Exeter, Town of Milton, Town of Newington, City of Portsmouth, City of Rochester and Town of Rollinsford and the Maine districts/communities of Berwick Sewer District and South Berwick Sewer District (collectively “the Parties”).

**WHEREAS**, the Parties seek to renew and update the Intermunicipal Agreement for Development of an Adaptive Water Quality Management Plan for Great Bay Estuary (“IMA”) which was formed in response to the U.S. Environmental Protection Agency Region I (“EPA”) issuing the Great Bay Total Nitrogen General Permit (NPDES Permit No. NHG58A000) on November 24, 2020 (the “General Permit”);

**WHEREAS**, the State of Maine Department of Environmental Protection (“MDEP”) has begun to issue updated National Pollutant Discharge Elimination System permits for Maine sewer districts and communities that discharge to the Great Bay Estuary, and those updated permits include language relative to adaptive management similar to that contained in the General Permit;

**WHEREAS**, Maine districts and communities subject to those updated permits that join this IMA shall be known as the ME-Dischargers;

**WHEREAS**, the Parties have determined that it is in their interest to continue with the benefits of the IMA including sharing information among members, State and federal regulators and stakeholder, participating in joint reporting as desired; and collaborating and coordinating their investments in study and analysis;

**WHEREAS**, it is anticipated that EPA and MDEP will continue to regulate the Parties’ discharge of nitrogen and other pollutants for the foreseeable future; and

**WHEREAS**, the IMA allows renewal pursuant to paragraph III and amendment pursuant to paragraph XI (A).

**THEREFORE**, the Parties renew and amend the IMA as set forth below (language to be deleted ~~stricken~~ and new language **bolded**),

1. Amend Part I, DEFINITIONS, Section A. as follows:

“Contribution Formula” that mechanism for allocating costs among the Members who are Permittees **and ME-Dischargers**.

2. Amend Part III, *DURATION OF AGREEMENT*, as follows:

The term of this Agreement runs from March 1, 2021 to **June 30, 2031**~~February 28, 2026~~. This Agreement may be renewed for an additional term to be determined by vote of the majority of the Members.

3. Amend Part V, *EXECUTIVE BOARD*, Section C, *Membership of Executive Board*, second paragraph as follows:

At-Large Members of the Executive Board members shall be nominated at the Members' Organizational Meeting and serve through the expiration of the term of this Agreement. If this Agreement is renewed by the Members for an additional term, the Members will elect/re-elect At-Large Executive Board members at the meeting in which an extension of the term of this Agreement is made. ~~At-Large Executive Board Members must be Permittees.~~

4. Amend Part VI, *MEETINGS*, Section B, *Executive Board Meetings* as follows:

The Executive Board shall meet at least ~~biannually~~ **annually** or more frequently at the call of the Chair at such times and places that are mutually convenient. ~~The meetings of the Executive Board are not public meetings as that term is defined in NH RSA 91-A. The Executive Board may delegate to the Chair or other officers the preparation of agendas for both Member and Executive Board meetings and the development of the Recommended Annual Contribution to be presented to the Members.~~

5. Amend Part VII, *WORK AND COST-SHARING*, Section B, *Participation in Water Quality Monitoring, Data Gathering and Analysis* as follows:

Members are expected to participate in the planning and cost of ambient water quality monitoring, data gathering and water quality analysis along with other stakeholders ("Annual Contribution for Monitoring"). The recommended formula for such cost sharing for Members who are Permittees is set forth in Attachment 4 ("Contribution Formula"). **The recommended formula for such cost sharing for Members who are ME-Dischargers is set forth in Attachment 5 ("ME-Dischargers Contribution Formula").** The Contribution Formula **or ME-Dischargers Contribution Formula** may be amended by a majority vote of the Members who are also Permittees **or ME-Dischargers respectively**.

6. Amend Part VII, *WORK AND COST-SHARING*, Section C, *Recommended Annual Contribution for Monitoring* as follows:

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The Annual Contribution for Monitoring, in the aggregate for all Members, shall be no less than \$200,000 and ~~no more than \$500,000~~. The Executive Board shall **cause to be developed** a Recommended Annual Contribution for Monitoring to be presented to the Members at the Members Annual Meeting in the fall of each calendar year. The Members who are Permittees **or ME-Dischargers** shall vote on and set the Recommended Annual Contribution for Monitoring. Members shall make good faith efforts to budget and appropriate the funds in accord with the Recommended Annual Contribution for Monitoring and Contribution Formula adopted at the Members Meeting.

7. All other terms and conditions of the IMA remain in effect.

Signatures on a Separate Page(s)

**Attachment 5**

Amendment to Renew and Update Intermunicipal Agreement for Development of an Adaptive Water Quality Management Plan for Great Bay Estuary

Cost Allocation Share Ranges for the Maine Dischargers

Facility Name	Total Permitted Flow (MGD)	Share	\$ 200,000.00	\$ 500,000.00
Berwick*	0.38	1.36%	\$ 2,725	\$6,812
South Berwick	0.65	2.33%	\$ 4,661	\$11,652
*Permitted Flow of 1.1 MGD does not align with operating capacity; 0.38 MGD being used based on 20-yr projected growth and operating capacity.				