



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1
1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

NOV 20 2007

VIA FEDERAL EXPRESS

Eureka Durr, Clerk of the Board (MC 1103B)
Environmental Appeals Board
U.S. Environmental Protection Agency
Colorado Building
1341 G Street, NW, Suite 600
Washington, D.C. 20005

John A. Maclean, City Manager
City of Keene
3 Washington Street
Keene, New Hampshire 03431-3191

Re: Notice of Withdrawal of Certain Contested Permit Conditions
NPDES Permit No. NH0100790
NPDES Appeal No. 07-18

Dear Ms. Durr and Mr. Maclean:

On September 28, 2007, the City of Keene, New Hampshire ("Permittee"), filed a Petition for Review of NPDES Permit No. NH0100790 ("Permit") with the U.S. Environmental Protection Agency Environmental Appeals Board ("Board") pursuant to 40 C.F.R. § 124.19(a). The Permit had been reissued to the Permittee on August 24, 2007, by Region 1 of the U.S. EPA ("Region"). The Permit superseded the permit issued by the Region on April 15, 1994 ("Prior Permit").

In its Petition for Review, the Permittee contested the limits in the Permit for total phosphorus and for certain metals, specifically total recoverable copper, lead and zinc (the "contested metals limits").

Pursuant to 40 C.F.R. § 124.19(d), the Region is hereby withdrawing the contested metals limits. The Region intends to prepare a new draft permit under 40 C.F.R. § 124.6 addressing the portions so withdrawn. The new draft permit will be released for public notice and comment. Until such time as Region 1 issues a final permit pertaining to the contested metals limits, the

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corresponding provisions of the Prior Permit for total recoverable copper, zinc and lead shall remain in effect.¹

If you have any questions regarding this correspondence, please feel free to contact Samir Bukhari, the Region's legal counsel in this matter, at 617-918-1095, or Jeanne Voorhees, in our Office of Ecosystem Protection, at 617-918-1686.

Sincerely,



Robert W. Varney
Regional Administrator
EPA-Region 1

cc: Andrew W. Serrell, Rath, Young and Pignatelli, P.C. (via First Class US Mail)
Roger Janson, EPA
Brian Pitt, EPA
Jeanne Voorhees, EPA
Edie Goldman, EPA
Denny Dart, EPA

¹ The uncontested portions of the Permit are scheduled to go into effect on December 1, 2007. See Notice of Uncontested and Severable Conditions, dated October 18, 2007.