

**New Hampshire Department of Environmental Services
WATER QUALITY CERTIFICATION**

In Fulfillment of RSA 485-A:12, III

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| Certification Number | WQC 2025-NH0100447 |
| Federal Permit Requiring Section 401 Water Quality Certification | Manchester Wastewater Treatment Facility Individual National Pollutant Discharge Elimination System Permit (NH0100447) |
| Activity Description | Discharges of wastewater and stormwater from the Manchester Wastewater Treatment Facility and 15 combined sewer overflow outfalls |
| Activity Location | Manchester |
| Potentially Affected Surface Waters Near the Activity (other affected surface waters may exist) | Merrimack River (NHRIV700060803-14-02, NHRIV700060803-14-01, NHIMP700060802-04) Piscataquog River (NHRIV700060607-22) Rays Brook (NHRIV700060802-15) Baker Brook (NHRIV700060803-08) Unnamed Brook (NHRIV700060803-17) |
| Receipt Date of Request for Certification | December 18, 2024 |
| Reasonable Period of Time | 6 months |
| Decision | Granted with Conditions |
| Date of Issuance | Signature Date |

A. INTRODUCTION

On December 18, 2024, the New Hampshire Department of Environmental Services (NHDES) received a request from the U.S. Environmental Protection Agency Region 1 (EPA), the permitting authority for National Pollutant Discharge Elimination System (NPDES) permits in New Hampshire, to certify the draft Manchester Wastewater Treatment Facility (WWTF) Individual NPDES Permit (NH0100447) in accordance with Clean Water Act Section 401(a)(1) and pursuant to 40 CFR Section 124.55.

The purpose of the certification is to ensure that the Manchester WWTF Individual NPDES Permit is drafted in a manner that complies with New Hampshire's surface water quality standards specified under [Title L RSA 485-A](#) and [New Hampshire Code of Administrative Rules Env-Wq 1700](#).

B. PERMIT DESCRIPTION

EPA is issuing the Manchester WWTF Individual NPDES Permit to authorize the discharge of wastewater and stormwater from the Manchester WWTF and 15 combined sewer overflow (CSO) outfalls to the Merrimack River, Piscataquog River, Rays Brook, Baker Brook, and an Unnamed Brook. The permit establishes effluent limitations, monitoring requirements, reporting requirements, and other conditions for these discharges to meet water quality standards in the receiving waters.

EPA gave public notice of the availability of the draft Manchester WWTF Individual NPDES Permit on December 18, 2024. The public notice provided a public comment period until February 3, 2025 and stated that the draft permit and fact sheet could be obtained on EPA's website:

[NH0100447 Draft Manchester WWTF Individual NPDES Permit](#)

C. DECISION

Based on a review of the draft permit, and subject to conditions included herein, NHDES has determined that the permit, as currently written, will ensure that the discharges will comply with New Hampshire's surface water quality standards specified under [Title L RSA 485-A](#) and [New Hampshire Code of Administrative Rules Env-Wq 1700](#). NHDES hereby grants this certification in accordance with 40 CFR 121.7(d) and 40 CFR 124.53(e), subject to the conditions in Section D. CERTIFICATION CONDITIONS.

D. CERTIFICATION CONDITIONS

The following conditions shall be included in the permit to ensure that the discharges will comply with New Hampshire's surface water quality standards:

1. The Permittee shall not at any time, either alone or in conjunction with any person or persons, cause directly or indirectly the discharge of waste into the said receiving water unless it has been treated in such a manner as will not lower the legislated water quality classification of, or interfere with the uses assigned to, said water by the New Hampshire Legislature.

This condition assures compliance with RSA 485-A:12.

2. Any person responsible for a bypass or upset at a wastewater facility shall give immediate notice of the bypass or upset to all public or privately owned water systems drawing water within 20 miles downstream of the point of discharge, regardless of whether or not the water systems are on the same receiving water or on another surface water to which the receiving water is tributary. The Permittee shall maintain a list of all persons, including their telephone numbers, who are to be notified immediately by telephone. In addition, written notification, which shall be postmarked within three days of the bypass or upset, shall be sent to such persons.

Note that per RSA 485-A:2XIX, "wastewater facility" is defined as the structures, equipment, and processes required to collect, convey, and treat domestic and industrial wastes, and dispose of the effluent and sludge.

This condition assures compliance with RSA 485-A:13(l)(c).

3. Any person proposing to construct or modify any of the following shall submit an application for a sewer connection permit to NHDES:
 - a. Any extension of a collector or interceptor, whether public or private, regardless of flow
 - b. Any wastewater connection or other discharge in excess of 5,000 gallons per day
 - c. Any wastewater connection or other discharge to a WWTF operating in excess of 80 percent design flow capacity or design loading capacity, based on actual average flow or loadings for three consecutive months
 - d. Any industrial wastewater connection or change in existing discharge of industrial wastewater, regardless of quality or quantity
 - e. Any sewage pumping station greater than 50 gallons per minute or serving more than one building
 - f. Any proposed sewer that serves more than one building or that requires a manhole at the connection

This condition assures compliance with Env-Wq 703.07(a).

4. At a frequency no less than once every five years, the Permittee shall submit to NHDES:
 - a. A copy of its current sewer use ordinance, if it has been revised without department approval subsequent to any previous submittal to the department, or a certification that no changes have been made.
 - b. A current list of all significant indirect dischargers to the POTW. At a minimum, the list shall include for each significant indirect discharger: its name and address, the name and daytime telephone number of a contact person, products manufactured, industrial processes used, existing pretreatment processes, and discharge permit status.
 - c. A list of all permitted indirect dischargers.
 - d. A certification that the municipality is strictly enforcing its sewer use ordinance and all discharge permits it has issued.

This condition assures compliance with Env-Wq 305.21.

5. When the effluent discharged for a period of three consecutive months exceeds 80 percent of the design flow or design loading capacity of the facility, the Permittee shall submit to NHDES a projection of flows and loadings up to the time when the design capacity of the facility will be reached, and a program for maintaining satisfactory treatment levels consistent with approved water quality management plans. Before the design flow will be reached, or whenever treatment necessary to achieve permit limits cannot be assured, the Permittee may be required to submit plans for facility improvements.

This condition assures that adequate planning will be conducted so that flows or loads to a facility do not exceed the facility's design capacity. If flows or loads exceed the facility's design capacity, the effluent may not receive complete treatment and could result in water quality impacts if discharged.

E. 40 CFR 124.53(e) STATEMENTS

In accordance with 40 CFR 124.53(e), which states, "State certification on a draft permit may include a statement of the extent to which each condition of the draft permit can be made less stringent without violating the requirements of State law, including water quality standards," the following changes can be made to the permit without violating state water quality standards:

1. An allowance for a revision to the pH limits:

The pH range of 6.5 to 8.0 Standard Units (S.U.) must be achieved in the final effluent unless the Permittee can demonstrate to NHDES: 1) that the range should be widened due to naturally occurring conditions in the receiving water; or 2) that the naturally occurring receiving water pH is not significantly altered by the Permittee's discharge. The scope of any demonstration project must receive prior approval from NHDES. In no case, shall the above procedure result in pH limits outside the range of 6.0 to 9.0 S.U., which is the federal effluent limitation guideline regulation for pH for secondary treatment and is found in 40 CFR § 133.102(c).

2. A revision to Part I.G.5 Benthic Survey, as indicated in bold below:

"During the third calendar quarter (i.e., July through September) that begins at least 12 months after the effective date of the permit. If notified in writing by NHDES or EPA that benthic deposits from the discharge are known or suspected to have a detrimental impact on downstream benthic communities, the Permittee shall conduct a benthic survey once per permit term within one year of the notification to assess those impacts from the discharge on aquatic life in the benthic environment. Visual observations, benthic sample results, or long-term permit limit exceedances could indicate a potential change in either the sediments or settleable solids downstream of the outfall as compared to upstream of the outfall. Such a change could indicate that the facility's effluent is having a detrimental impact on the downstream benthic community health."

Because the permit includes effluent limitations on parameters such as total suspended solids and metals, it is already expected to be protective of the benthic community in the vicinity of the facility's outfall and meet surface water quality standards, specifically those in Env-Wq 1703.03(c)(1)(a) and 1703.08. NHDES' position is that a benthic survey should only be required if benthic deposits from a discharge are known or suspected to have a detrimental impact on a downstream benthic community and more specific benthic data is necessary to determine if additional protections are needed.

F. ENFORCEMENT

Certification conditions are subject to enforcement mechanisms available to the federal licensing or permitting agency and to the state of New Hampshire, including those provided under RSA 485-A:12, I and RSA 485-A:12, III.

G. PUBLIC NOTICE

NHDES gave public notice of the availability of the draft certification on January 9, 2025. The public notice provided a 30-day public comment period and stated that the draft certification could be obtained on [NHDES' website](#).

H. APPEAL PROCESS

Any person aggrieved by this decision may appeal to the New Hampshire Water Council. Information regarding appealing a decision made by NHDES can be found on the [NHDES website](#). A link to the New Hampshire Water Council's rules is available on the [New Hampshire Environmental Council website](#) (or more directly at the [Water Council page](#)). Copies of the rules can also be obtained by contacting the NHDES Public Information Center at [\(603\) 271-2975](#).

I. SIGNATURE AND DATE

Rene J. Pelletier, P.G., Director
NHDES Water Division

Date

cc: Ted Diers, Assistant Director, NHDES WD
Tracy Wood, P.E., Administrator, NHDES WD-WWEB
David Neils, Administrator, NHDES WD-WMB