

**EXHIBIT D**

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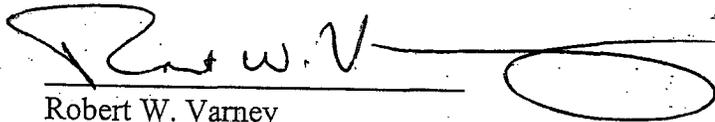
CITY OF PORTSMOUTH, NEW HAMPSHIRE )  
PUBLICLY OWNED TREATMENT WORKS, )  
APPLICATION FOR SECTION 301(h) )  
VARIANCE FROM THE SECONDARY )  
TREATMENT REQUIREMENTS OF THE )  
CLEAN WATER ACT )

FINAL DECISION  
OF THE REGIONAL  
ADMINISTRATOR PURSUANT TO  
40 CFR PART 125, SUBPART G

It is my final decision to deny a Section 301(h) waiver from the secondary treatment provisions of the Clean Water Act, as amended. This office previously had issued a tentative decision to deny the waiver. This tentative decision, and draft permit with fact sheet and other attachments were public-noticed for comment on July 25, 2006. See "Tentative Decision of the Regional Administrator Pursuant to 40 CFR Part 125, Subpart G". EPA received and subsequently responded to many public comments regarding the draft documents. However, EPA did not receive any comment that resulted in changing any of the conclusions and/or findings set forth in the "Tentative Decision" to deny Portsmouth's Section 301(h) application.

Therefore, based on the analysis set forth in the "Tentative Decision" and the lack of comment contesting that decision, it is my final decision that the City of Portsmouth, NH be denied a Section 301(h) waiver. A final permit imposing secondary treatment effluent limits and other pertinent conditions will be issued along with a "Response to Comments" document that sets forth the response to the comments received on the draft permit.

Date: April 10, 2007



Robert W. Varney  
Regional Administrator  
Environmental Protection Agency  
Region I