



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

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June 12, 2015

VIA ELECTRONIC FILING AND CERTIFIED MAIL

Ms. Lisa M. Fauteaux
Director
Division of Public Works
City of Nashua, New Hampshire 03062

Ms. Eurika Durr
Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1201 Constitution Avenue, NW
U.S. EPA East Building, Room 3334
Washington, DC 20004

**RE: Notice of Partial Withdrawal Pursuant to 40 C.F.R. § 124.19(j)
City of Nashua Wastewater Treatment Facility
NPDES Permit Appeal No. 15-06; NPDES Permit No. NH0100170**

Dear Ms. Fauteaux and Ms. Durr:

In accordance with 40 C.F.R. §§ 124.16 and 124.60, Region 1 of the United States Environmental Protection Agency (“EPA”) is providing notice of its intent to prepare a new draft permit in connection with National Pollutant Discharge Elimination System (“NPDES”) Permit No. NH0100170. EPA reissued that permit to the City of Nashua on March 6, 2015.

The City timely petitioned EPA’s Environmental Appeals Board (“EAB”) for review of the permit on April 13, 2015. The City contested the: (1) phosphorus effluent limit for Outfall 001 (Part I.A.1); (2) lead effluent limit for Outfall 001 (Part I.A.1); (3) copper effluent limit for Outfall 001 (Part I.A.1); (4) total residual chlorine limits for Outfalls 001 and 014 (Parts I.A.1 and I.B.5.b); (5) sample collection location requirements for compliance with the POTW Treatment Plant effluent limits for BOD₅, TSS, and pH (Part I.A.1 footnote 3); (6) monitoring requirements for BOD₅, TSS, and flow at internal Outfall 001W (Part I.B.5.a); (7) monitoring requirements for BOD₅, TSS, and flow at the Screening and Disinfection Facility (Part I.B.5.b); (8) definition of dry weather (Parts I.A.4 and I.B.2.d); (9) condition prohibiting the discharges from causing a violation of water quality standards of the receiving water (Part I.B.1.d); and (10) four

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requirements regarding Nine Minimum Controls Annual Reporting Requirements related to CSOs (Part I.B.3.e(3), (4), (6), and (7)).

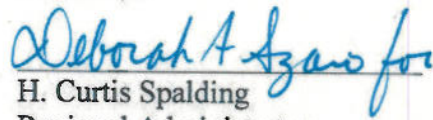
Under the regulations governing the EAB appeals process, the Regional Administrator may withdraw portions of the permit and prepare a new draft permit under 40 C.F.R. § 124.6 addressing the portions so withdrawn at any time prior to 30 days after filing the response to the petition. 40 C.F.R. § 124.19(j). In an effort to narrow the issues on appeal, and resolve issues in the Petition, the Region has determined to exercise that right by commencing new draft permit proceedings to address issues raised by the City in Sections IV.C.3 and IV.M of the Petition. Specifically, the new draft permit will propose to add, to or extend existing, compliance schedules in the Final Permit:

Permit Section	Description	Petition	Summary of Proposed Modification
Part I.A.1	Compliance Schedule for Total Phosphorus Limitation	Section IV.C.3, requesting a compliance schedule to meet any Total Phosphorus limit imposed in the permit.	The Final Permit does not currently contain a compliance schedule to achieve the Total Phosphorus limitation of 0.8 mg/l. EPA will propose to modify the Final Permit to include a reasonable compliance schedule to achieve the limit.
Part I.E.5	Compliance Schedule for the Collection System Operation and Maintenance Plan	Section IV.M	The Final Permit currently contains a 24-month compliance schedule to complete a Collection System Operation and Maintenance Plan. EPA will propose to extend the schedule to complete the Plan from 24 months to 36 months

The new draft permit will be subject to notice and an opportunity to comment pursuant to 40 C.F.R. § 124.10.

If you have any questions regarding this notice, please contact Samir Bukhari of the Office of Regional Counsel at (617) 918-1095.

Sincerely,

A handwritten signature in blue ink that reads "Deborah A. Spalding". The signature is written in a cursive style and is positioned above the typed name.

H. Curtis Spalding
Regional Administrator
US EPA-Region 1

cc: Sherilyn Burnett Young, Esq.
Marcia Brown, Esq.

