



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
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ENVIR. APPEALS BOARD

Eurika Durr, Clerk of the Board (MC 1103B)
Environmental Appeals Board
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue NW
Washington, DC 20460

William E. Taylor, Esq.
Pierce Atwood LLP
One Monument Square
Portland, ME 04101

David M. Atkinson, Vice President of Operations
Wausau Papers of New Hampshire, Inc.
3 Mechanic Street
Groveton, NH 03582

Re: Notice of Uncontested and Severable Conditions
NPDES Permit NH0001562
NPDES Appeal No. 05-15
Wausau Papers of New Hampshire, Inc. (Groveton, New Hampshire)

APR 18 2006

Dear Ms. Durr and Messrs. Taylor and Atkinson:

By letter to the Environmental Appeals Board dated October 21, 2005, William E. Taylor, Pierce Atwood LLP, on behalf of Wausau Papers of New Hampshire, Inc. ("Company"), filed, pursuant to 40 C.F.R. § 124.19(a), a Petition for Review ("Petition") of NPDES permit NH0001562 ("Permit") reissued to the Company on September 20, 2005 by the New England Regional Office of the U.S. Environmental Protection Agency ("Region"). The Permit superseded the permit issued by the Region on May 5, 1992.

The Company's Petition challenges eleven specific conditions of the Permit, summarized in the following table:

Structure	Part	Permit Condition
Outfall 017	I.A.1	Temperature, average monthly
		Temperature, maximum daily
		Turbidity monitoring, upstream
		Turbidity monitoring, downstream
Outfall 018	I.A.3	Turbidity monitoring, upstream
		Turbidity monitoring, downstream
		Flow, average monthly
		Total residual chlorine, average monthly
		Total residual chlorine, maximum daily
		Total residual chlorine, measurement frequency
Cooling water intake structure	I.C.1	Report and design requirements to minimize Atlantic salmon smolt entrainment and/or impingement

Pursuant to 40 C.F.R. § 124.16(a)(2)(ii), this letter notifies you of my determination that the eleven contested conditions described above are stayed during the pendency of this appeal. All other conditions of the Permit are uncontested and severable from the contested permit terms. Thus, all of the other conditions are not stayed and will become fully effective enforceable obligations effective thirty days from the date of this notice, as provided by 40 C.F.R. § 124.16(a)(2)(i).

If you have any questions regarding this correspondence, please feel free to contact Ronald Fein, the Region's legal counsel in this matter, at 617-918-1040, or William Wandle, in our Office of Ecosystem Protection, at 617-918-1605.

Sincerely,



Robert W. Varney
Regional Administrator

cc: William Wandle, EPA
Brian Pitt, EPA
Roger Janson, EPA
Linda Murphy, EPA
Ronald Fein, EPA
Denny Dart, EPA
George Berlandi, NHDES