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ENVIR. APPEALS BOARD

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

JUN 21 2010

Eurika Durr, Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board (MC - 1103B)
Ariel Rios Building
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460-0001

George Dana Bisbee, Esq.
Devine, Millimet & Branch, P.A.
111 Amherst Street
Manchester, New Hampshire 03101

Randall W. Heglin, Director
Town of Jaffrey Public Works Department
23 Knight Street
Jaffrey, New Hampshire 03452

Re: Notice of Withdrawal of Conditions Pursuant to 40 C.F.R. § 124.19(d)
NPDES Appeal No. 09-18
NPDES Permit No. NH0100595
Town of Jaffrey, New Hampshire Public Works Department

Dear Ms. Durr and Messrs. Bisbee and Heglin:

On September 28, 2009, the New England Regional Office of the U.S. Environmental Protection Agency ("the Region") reissued NPDES Permit No. NH0100595 ("the Permit") to the Town of Jaffrey, New Hampshire Public Works Department ("the Town"). The Permit authorizes the discharge of treated effluent from the Town's wastewater treatment plant ("WWTP") to the Contoocook River. The Permit establishes effluent limitations, monitoring requirements and other conditions for this discharge.

On October 31, 2009, counsel for the Town filed a Petition for Review to the Environmental Appeals Board contesting certain conditions of the Permit (Appeal No. 09-18). Pursuant to 40 C.F.R. § 124.19(d), the Region hereby withdraws the following provisions of the Permit:

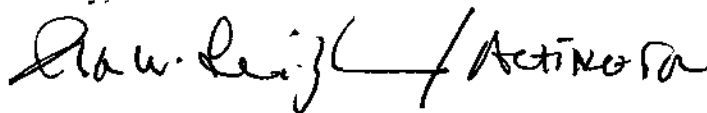
Part	Page	Parameter	Specific requirement withdrawn
I.A.1.a	2	Total phosphorus (Applicable the month of October and April 1 through June 30)	Average monthly effluent limit 0.16 mg/l
I.A.1.a	2	Total phosphorus (Applicable the month of October and April 1 through June 30)	Average monthly effluent limit 1.67 lb/d
I.A.1.a	3	Total phosphorus (Applicable July 1 through September 30)	Average monthly effluent limit 0.16 mg/l
I.A.1.a	3	Total phosphorus (Applicable July 1 through September 30)	Average monthly effluent limit 1.0 lb/d

Also pursuant to 40 C.F.R. § 124.19(d), the Region plans to propose revised phosphorus effluent limitations in a draft permit modification to be submitted for public notice in the near future. The rationale for these proposed conditions will be presented in a Statement of Basis that will accompany the draft permit modification.

A determination of uncontested and severable conditions pursuant to 40 C.F.R. § 124.16 was issued on December 28, 2009. Uncontested and severable conditions of the permit became effective on February 1, 2010. For contested conditions, the WWTP remains subject to all corresponding conditions, including phosphorus monitoring, contained in its previous permit, issued on July 30, 2001.

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.

Sincerely,



H. Curtis Spalding
Regional Administrator

cc: Stergios Spanos, NHDES
Denny Dart, EPA
Stephen Perkins, EPA
Brian Pitt, EPA