



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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ENVIR. APPEALS BOARD

OFFICE OF THE
REGIONAL ADMINISTRATOR

VIA CERTIFIED MAIL

January 6, 2009

Eurika Durr, Clerk of the Board
Environmental Appeals Board (MC 1103B)
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-001

Frederick J. McNeill, P.E.
Chief Engineer
City of Manchester, Highway Department
Environmental Protection Division
300 Winston Street
Manchester, NH 03103

**Re: Notice of Contested and Uncontested Conditions of NPDES Permit NH0100447
City of Manchester Wastewater Treatment Plant
NPDES Appeal No.: 08-21**

Dear Ms. Durr and Mr. McNeill:

On October 21, 2008 the City of Manchester ("Permittee") filed a Petition for Review of NPDES permit MA0100447 ("Permit") with the Environmental Appeals Board ("Board") pursuant to 40 C.F.R. § 124.19(a). The Permit had been reissued to the Permittee on September 25, 2008 by the New England Regional Office of the U.S. Environmental Protection Agency ("Region"). The Permit superseded the permit issued by the Region on January 22, 2002 ("Prior Permit").

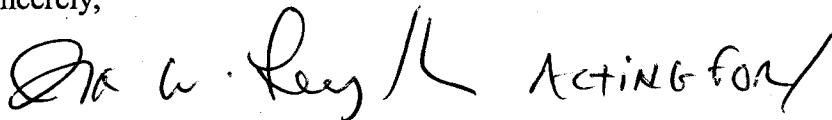
In its Petition, the Permittee contests two permit conditions: (1) the monthly average aluminum limit, found in Part I.A.1.a, and (2) the required frequency of sludge monitoring, found in Part I.C.5.c.

The limits contested by the Permittee are referred to herein as the "Contested Conditions." Pursuant to 40 C.F.R. §§ 124.16(a)(2)(ii) and 124.60(b), this letter notifies you of my determination that the Contested Conditions are stayed until final agency action under 40 C.F.R. § 124.19(f).

All other conditions of the Permit are uncontested and severable from the Contested Conditions. Thus, all of the other conditions are not stayed and will become fully effective enforceable obligations of the Permit thirty days after the date of this notice, pursuant to 40 C.F.R. § 124.16(a)(2)(i). With respect to the Contested Conditions, the corresponding terms, if any, in the Prior Permit shall remain in effect.

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 Suproakash Sarker, in the Region's Office of Ecosystem Protection, at 617-918-1693.

Sincerely,

A handwritten signature in black ink, appearing to read "R. W. Varney", followed by the words "Acting for" in a similar cursive style.

Robert W. Varney
Regional Administrator

cc: Stergios K. Spanos, NHDES
Ron Fein, EPA (ORC)
Denny Dart, EPA (OES)