

June 25, 2013

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Re: Town of Exeter -- NPDES Permit No. NH0100871

Dear Mr. Wagner:

We would like to thank you and your colleagues at EPA for working with the Town of Exeter over the last few weeks to finalize an agreed-upon compliance order to address the limit for Total Nitrogen in the Town's Final NPDES Permit. As you fully appreciate, the Town disputes the legal validity of the discharge limit for Total Nitrogen of 3 mg/l and its underlying scientific basis. The Town has, nevertheless, agreed to enter into an Administrative Order on Consent (AOC) as a compromise on the nitrogen limit, and to avoid the cost of a legal challenge on this issue.

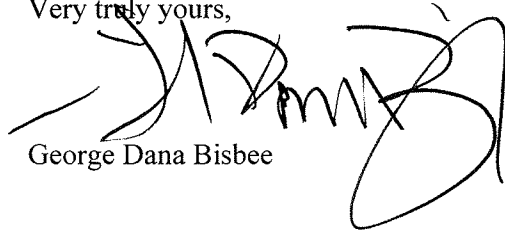
In this letter, the Town requests your acknowledgement of and concurrence with the two related issues set forth below.

1. As we have discussed, the Town reserves the right to challenge the underlying basis of EPA's decision in this Permit to require a nitrogen discharge limit of 3 mg/l in (1) other permitting proceedings (*e.g.*, subsequent NPDES permits for its WWTF, and storm water permits, if any), (2) any other EPA enforcement proceedings, and (3) any context or proceeding other than those relating to this AOC.
2. The second issue relates to Section IV. E. 2 of the AOC that allows the Town to submit by the deadline of December 31, 2023 a justification to extend the effective period of the interim limit of 8 mg/l. We seek here EPA's concurrence that the analysis that EPA would undertake, when and if the Town submits such a justification, will likely take into account (1) how well the treatment facility is performing relative to the interim limit set forth in Attachment 1.a, and (2) how quickly the new wastewater treatment facilities were completed and operating, as mitigating factors weighing in favor of extending the effective date of the interim discharge limit set forth in Attachment 1.a (or extending and lowering the interim limit).

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Thank you for your consideration of these issues.

Very truly yours,

A handwritten signature in black ink, appearing to read "G. Dana Bisbee", written over the typed name. The signature is stylized and cursive.

George Dana Bisbee

GDB:aec