

The State of New Hampshire
Department of Environmental Services

Thomas S. Burack, Commissioner



*Celebrating 25 Years of Protecting
New Hampshire's Environment*

November 5, 2012

David M. Webster, Water Permits Branch Chief
USEPA Region 1 - New England
Office of Ecosystem Protection -- OEP06-1
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912

Subject: Exeter Wastewater Treatment Facility
Certification of NPDES Permit No. NH0100871

Dear Mr. Webster:

By letter dated March 23, 2011 the U.S. Environmental Protection Agency (EPA) requested State Certification of NPDES Permit NH0100871 for the Exeter Wastewater Treatment Facility.

The EPA publicly noticed the availability of the draft permit, including the Fact Sheet, in a notice dated March 25, 2011. A public hearing was held on June 9, 2011 in the Town of Exeter. The Public Notice provided a public comment period until July 22, 2011, and stated that the draft permit and fact sheet could be obtained at the EPA New England website at http://www.epa.gov/region1/npdes/draft_permits_listing_nh.html or by writing or calling the permit writer at the EPA Boston office. Further, in response to an extension request dated June 29, 2011, EPA extended the public comment period until August 12, 2011 via a public notice dated July 18, 2011.

After appropriate review of the draft permit, public comments, and EPA's response to comments, State Certification is hereby granted pursuant to Section 401 of the Clean Water Act. The permit will ensure that the requirements in Title 50 RSA 485-A, and administrative rule New Hampshire Env-Wq 1700 (Surface Water Quality Regulations) are met.

The effluent limit for nitrogen contained in the Exeter Wastewater Treatment Facility permit is effectively at the current limits of biological nutrient removal (BNR) technologies for nitrogen removal. Stricter controls than those attainable by BNR technologies are not needed from the facility while the New Hampshire Department of Environmental Services (DES) and communities in the watershed pursue an adaptive planning and implementation framework to address nonpoint source controls during the five-year permit term. DES recognizes that treatment facility improvements to meet these permit limits will be costly and that phasing may be feasible to spread the costs out over time in order to make the improvements more affordable for sewer system users. In addition, the resultant reductions in nitrogen from the treatment plant improvements must ultimately be complemented by reductions from other Great Bay Estuary wastewater treatment plants, municipal stormwater systems and nonpoint sources that will take

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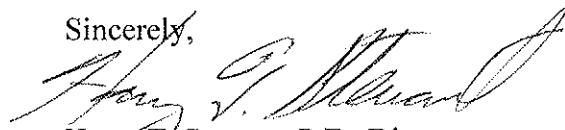
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time to accomplish. In this context, DES supports a phased approach for upgrade of the Exeter Wastewater Treatment Facility coincidentally with implementation of an adaptive management plan and a robust water quality monitoring plan, both under workscopes and schedules approved by the EPA and DES.

Upon final issuance by the federal EPA, the Department of Environmental Services may adopt the permit, including all terms and conditions, as a state permit pursuant to RSA 485-A:13.

Any person aggrieved by this decision may appeal to the New Hampshire Water Council. Appeal must be made in accordance with RSA 21-O:14, as amended by Laws of 2012, 246:3-5 (effective June 18, 2012), and the rules of the Council, Env-WC 100-200. Copies of the rules may be obtained from the Department's Public Information and Permitting Unit, 29 Hazen Drive / PO Box 95, Concord, NH 03302-0095; telephone: (603) 271- 8876; fax: (603) 271-8013; email: pip@des.nh.gov; or on-line at <http://des.nh.gov/organization/commissioner/legal/rules/index.htm#boards>.

Sincerely,



Harry T. Stewart, P.E., Director
Water Division

cc: Ted Diers, Administrator, NHDES Watershed Management Bureau
Paul L. Heirtzler, P.E., Esq., Administrator, NHDES Wastewater Engineering Bureau
Christian Williams, Federal Consistency Coordinator, NHDES Coastal Program
Russell Dean, Town Manager, Town of Exeter
Jennifer Perry, P.E., Director, Department of Public Works, Town of Exeter