



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

Region 1  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

**Sent via email & certified Mail (dated as indicated on electronic signature)**

**ORDER FOR COMPLIANCE**

April Talon  
Town of Durham  
NPDES Permit Number: NHR05J02B  
100 Stone Quarry Drive  
Durham, NH 03824

RE: In the Matter of the Town of Durham, New Hampshire (DPW) NHR05J0 Order for Compliance under Section 309 of the Clean Water Act (33 U.S.C. § 1319), Docket No. CWA-AO-R01-FY25-29

Dear Permittee Contact:

This Order results from the failure of the town of Durham NPDES ID NHR05J02B to meet its reporting obligations under its NPDES permit. Your permit authorized under the Multi-Sector General Permit. Facilities subject to the monitoring requirements are required to submit their sampling results to EPA electronically using EPA's NetDMR system no later than 30 days after receiving their complete laboratory results. Facilities which do not have a discharge or who are unable to obtain a sample during the monitoring period must similarly use NetDMR to submit their Discharge Monitoring Reports ("DMRs") with the appropriate "no data indicator" or "NODI" code to EPA no later than 30 days after the end of the monitoring reporting period.

Your facility known as the Durham Transfer Station and Recycling Center located at 100 Durham Point Rd., Durham, NH 03824 has not submitted all DMRs that were due under the permit. The failure to submit DMRs as required by your NPDES permit prevents EPA and the public from knowing if permit-authorized discharges are meeting permit requirements established to ensure water quality in receiving waters is not unduly impacted by pollutants. Specifically, the town of Durham has failed to submit the following DMRs:

Permit Name	NPDES ID	Monitoring Period End Date	Monitoring Period Start Date	Perm Feature ID	Limit Set Designator
Town of Durham, New Hampshire (DPW)	NHR05J02B	06/30/2023	4/1/23	001	N2
Town of Durham, New Hampshire (DPW)	NHR05J02B	06/30/2023	4/1/23	002	N2
Town of Durham, New Hampshire (DPW)	NHR05J02B	09/30/2023	7/1/23	001	N2
Town of Durham, New Hampshire (DPW)	NHR05J02B	09/30/2023	7/1/23	002	N2
Town of Durham, New Hampshire (DPW)	NHR05J02B	12/31/2023	10/1/23	001	N2
Town of Durham, New Hampshire (DPW)	NHR05J02B	12/31/2023	10/1/23	002	N2
Town of Durham, New Hampshire (DPW)	NHR05J02B	03/31/2024	1/1/24	001	N2
Town of Durham, New Hampshire (DPW)	NHR05J02B	03/31/2024	1/1/24	002	N2
Town of Durham, New Hampshire (DPW)	NHR05J02B	06/30/2024	4/1/24	001	N2

Town of Durham, New Hampshire (DPW)	NHR05J02B	<b>06/30/2024</b>	<b>4/1/24</b>	002	N2
Town of Durham, New Hampshire (DPW)	NHR05J02B	<b>09/30/2024</b>	<b>7/1/24</b>	001	N2
Town of Durham, New Hampshire (DPW)	NHR05J02B	<b>09/30/2024</b>	<b>7/1/24</b>	002	N2
Town of Durham, New Hampshire (DPW)	NHR05J02B	<b>12/31/2024</b>	<b>10/1/24</b>	001	N2
Town of Durham, New Hampshire (DPW)	NHR05J02B	<b>12/31/2024</b>	<b>10/1/24</b>	002	N2

Under Section 309(a)(3) of the Clean Water Act ("Act") the Administrator of the U.S. Environmental Protection Agency ("EPA"), has the authority to issue orders requiring persons to comply with Sections 301 and 308 of the Act and any permit condition or limitation implementing any NPDES permit. This authority has been delegated to the Director of the Enforcement and Compliance Assurance Division, EPA Region 1. Pursuant to Section 309(a)(5)(A) of the Act, 33 U.S.C. § 1319(a)(5)(A), the Order below provides a schedule for compliance determined to be reasonable.

#### ORDER

The town of Durham is hereby ordered, pursuant to Section 309(a)(3) of the Act, 33 U.S.C. § 1319(a), to submit all missing DMRs, as required by the MSGP, as follows:

1. Within fourteen (14) days of receipt of this Order, the town of Durham must complete and submit all overdue DMRs since the date the facility was authorized/obtained coverage. DMRs must be submitted to EPA using NetDMR for all relevant monitoring periods for which the facility was covered. NetDMR must also be used to report any failure to monitor during the regular reporting period using one of the available "no data indicator" codes (see Attachment).
2. The town of Durham shall send an email to NetDMR\_R1@epa.gov and to dever.mary@epa.gov, to notify EPA when all the missing monitoring results have been submitted.
3. The town of Durham shall continue to complete and submit all DMRs by their required due dates under their permit.

This Order does not constitute a waiver or a modification of the terms and conditions of the permit. The permit remains in full force and effect. EPA reserves the right to seek any remedies available under Section 309 of the Act, 33 U.S.C. § 1319 for any violation cited in this Order. The Facility may seek federal judicial review of the Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706. This Order shall become effective upon receipt by the Facility.

You may contact NetDMR\_R1@epa.gov if you need help establishing an account in NetDMR or with submitting monitoring results through NetDMR.

If you have any questions regarding this Order, please contact Mary Dever-Putnam of my staff at 617-918-1717, or your attorney may contact Joshua Secunda, Senior Enforcement Counsel, at 617-918-1736.

Sincerely,

**JAMES CHOW** Digitally signed by JAMES CHOW  
Date: 2025.02.10 16:36:35 -05'00'

James Chow, Director  
Enforcement and Compliance Assurance Division

Electronic copy/copies

Mary Dever-Putnam, EPA

Joshua Secunda, EPA

Jeff Kopf, EPA

Alex Rosenberg, EPA

Teresa Ptak, NH DES

Attachment

EPA No Data Indicator Codes

Enclosures

NO DISCHARGE INDICATOR (NODI) CODES	
Code	Description
2	Operation Shutdown
3	Special Report Attached
7	No Influent
9	Conditional Monitoring - Not Required This Period
A	General Permit Exemption
B	Below Detection Limit/No Detection
C	No Discharge
E	Analysis Not Conducted/No Sample
F	Insufficient Flow for Sampling
I	Land Applied
N	Not Constructed
P	Lab Error or Invalid Test
Q	Not Quantifiable
R	Administratively Resolved
T	Environmental Conditions – Monitoring Not Possible
W	Dry Lysimeter/Well
X	Parameter/Value Not Reported