



February 12, 2007

Pio Lombardo, P.E.
Lombardo Associates, Inc.
49 Edge Hill Road
Newton, MA 02467

RE: Lombardo Associates, Inc. Nitrex™ Nitrogen Removal Treatment System

Dear Mr. Lombardo:

The Oregon Department of Environmental Quality (Department) has evaluated your application for approval as an add-on treatment unit to remove nitrogen following Alternative Treatment Technology systems, intermittent sand filter systems and recirculating gravel filter systems in Oregon.

Your company has certified that Nitrex™ systems manufactured by your company will comply with all applicable Department rules and regulations. Furthermore, the Department has reviewed your application materials for compatibility with the standards and criteria found in Oregon Administrative Rule (OAR) 340-071-0135. Data from systems studied under the La Pine National Demonstration Project was used to demonstrate Total Nitrogen removal below the performance standard of 10 mg/L.

I am pleased to advise you that the Nitrex™ system has been found to meet the approval criteria as an add-on treatment unit for the removal of Nitrogen to 10 mg/L Total Nitrogen as follows:

The Nitrex™ system may be used for additional nitrogen removal in all locations approved for Treatment Standard 1 when:

- a. used with a recirculating gravel filter system.
- b. used with an alternative treatment technology system that has been specified by your company and approved by the Department.

The Nitrex™ system may be used for additional nitrogen removal in all locations approved for Treatment Standard 2 when:

- a. used with an intermittent sand filter system.
- b. used with an alternative treatment technology system that has been specified by your company and approved by the Department for Treatment Standard 2.

You are authorized to manufacture, market, and distribute the Nitrex™ system for use in Oregon, providing the following conditions are met:

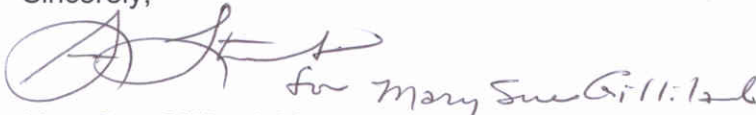
1. This approval is limited to systems with design flows of 2,500 gallons per day or less.
2. The Nitrex™ system must be manufactured in compliance with the Department's rules, and the plans and design specifications provided. Any deviation from the

plans and specifications shall not be permitted unless authorized in writing by the Department. The approved plans are labeled Version 1.0 and dated 01/29/2007 (attached).

3. Only septic tanks approved for use in Oregon may be used in the manufacture of Nitrex™ systems. All Nitrex™ system tanks must be installed in accordance with your installation requirements and the installation requirements of the septic tank manufacturer.
4. You must provide training for, and maintain a list of, certified installers and maintenance providers authorized to work on Nitrex™ systems and provide certificates to those individuals.
5. Owners of and maintenance providers for Nitrex™ systems with intermittent sand filter systems and recirculating gravel filter systems must operate and maintain their systems in accordance with the requirements in OAR 340-071-0302(4), (5), and (6).
6. Owners of and maintenance providers for Nitrex™ systems with alternative treatment technology systems must operate and maintain their systems in accordance with the requirements in OAR 340-071-0345(12), (13), and (14).
7. Each Nitrex™ system must be delivered with the approved installation manual and must be installed in accordance with the approved installation manual.
8. Each Nitrex™ system must be operated and maintained in accordance with the approved operation & maintenance manual.
9. Systems less than 10 years old may not exceed a failure rate of 10 percent.

Please feel free to contact Zach Loboy at (541) 687-7425 if you have any questions about this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Sue Gilliland", written over a circular stamp or mark.

Mary Sue Gilliland, Manager
Water Quality Division

cc: All Contract County Offices
All DEQ Direct Service Offices
Zach Loboy, DEQ Eugene