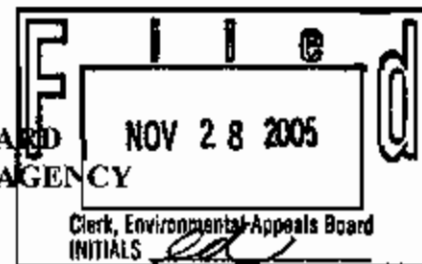


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**BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.**



\_\_\_\_\_  
In re: )  
 )  
 )

Wausau Papers of New Hampshire, )  
Inc. )  
Permit No. NH0001562 )  
\_\_\_\_\_ )

NPDES Appeal No. 05-15

**ORDER GRANTING STAY**

By joint motion filed on November 25, 2005, the United States Environmental Protection Agency, Region 1 ("Region"), and Wausau Papers of New Hampshire, Inc. ("Wausau" or "Petitioner") have requested a stay of the proceedings in this National Pollutant Discharge Elimination System ("NPDES") permit appeal under the Clean Water Act ("CWA"), 33 U.S.C. §§ 1251-1387, until April 14, 2006. Joint Motion for Stay of the Proceedings ("Joint Motion") at 1.

On September 14, 2005, the Region reissued an NPDES permit, No. NH0001562, to Petitioner for wastewater and storm water discharges from Wausau's manufacturing plant in Groveton, New Hampshire into the Connecticut River and for additional discharges of intake filter bypass water and sand filter backwash water into the Upper Ammonoosuc River.<sup>1</sup> On

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<sup>1</sup> Although the final permit was signed on September 14, 2005, the permit was not mailed to Wausau until September 20, 2005, and not received by Wausau until September 22, 2005. Joint Motion at 1 n.1.

October 24, 2005, Wausau filed this appeal pursuant to 40 C.F.R. § 124.19(a). In its appeal, Wausau challenges several conditions of the permit, including monthly average and daily maximum temperature limitations, turbidity sampling and monitoring requirements, flow limitations for one outfall, the total residual chlorine limitations, and conditions related to the plant's cooling water intake structures. *See* Wausau's Petition for Review at 2-3. Upon receiving Wausau's petition, the Environmental Appeals Board ("Board") sent a copy to the Region and requested that the Region respond to Petitioner's contentions by December 14, 2005.


The parties' motion states that the parties have entered into settlement negotiations. Joint Motion at 2. According to the parties, in the four years between the issuance of the draft permit for comments (in March 2001) and the final permit, a number of changes occurred at Wausau's facility. *Id.* In addition, Wausau obtained additional data related to its discharges. *Id.* Accordingly, Wausau is planning to submit a permit modification request to the Region on or about the first week of December. *Id.* The parties believe that "there is a substantial likelihood of resolution of some or all of the issues in this appeal" through the permit modification process. *Id.* Accordingly, the parties request a 120-day stay of the proceedings for the Region to evaluate Wausau's permit modification request and supporting information, propose a permit modification for public comment, review and respond to any public comments received, and finalize any permit modifications. *Id.*

Upon consideration of the foregoing and for good cause shown, the parties' Joint Motion is GRANTED. Accordingly, the above-captioned matter is hereby STAYED until April 14,

2006, pending the outcome of the permit modification process. On or before April 14, 2006, the parties shall submit a report regarding the status of the permit modification which shall include a discussion of whether it is appropriate to continue the stay, dismiss the petition, or establish a schedule for the Region to file a response to the petition.

So ordered.

ENVIRONMENTAL APPEALS BOARD

By: 

Edward E. Reich  
Environmental Appeals Judge

Dated: November 28, 2005

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing Order Granting Stay in the matter of Wausau Papers of New Hampshire, Inc., NPDES Appeal No. 05-15, were sent to the following persons in the manner indicated:


Pouch Mail  
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Dated: NOV 28 2005



Annette Duncan  
Secretary