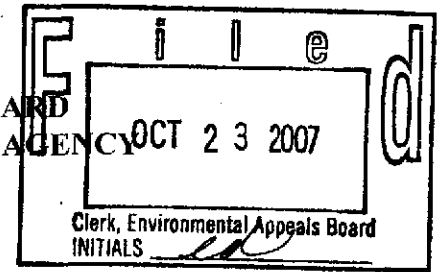


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
)
)

City of Portsmouth, New Hampshire)
Peirce Island Wastewater Treatment Facility)
and Combined Sewer Overflows)
)

NPDES Permit No. NH0100234)
)

NPDES Appeal No. 07-13

**ORDER GRANTING MOTION
FOR THIRD STAY OF PROCEEDINGS**

On October 16, 2007, Region 1 of the U.S. Environmental Protection Agency filed a motion to stay the proceedings in the above-captioned matter. The Region reports that it has been actively engaged in settlement negotiations with the Conservation Law Foundation ("CLF"), petitioner, and the City of Portsmouth, permittee, in an effort to resolve some or all of the issues raised in the petition without resort to litigation. The Region notes that at the present juncture, the parties have made meaningful progress towards resolving the disputed issues.

The Region therefore seeks a third stay of the proceedings before the Environmental Appeals Board, until Friday, November 30, 2007, by which date the parties would submit a status report advising the Board whether they wish to continue the stay, dismiss the petition, or establish a schedule for EPA's response to the petition. The Region reports that counsel for CLF and for the City have assented to the granting of this motion.

For good cause shown, the Region's motion for a third stay of proceedings is hereby **GRANTED**. The parties are directed to provide the Board with a report, on or before **Friday, November 30, 2007**, describing the status of settlement negotiations in this case and suggesting a future course of action.

So ordered.

Dated: October 23, 2007

ENVIRONMENTAL APPEALS BOARD

By:

Anna L. Holst
Scott C. Fulton

for
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Motion for Third Stay of Proceedings in the matter of City of Portsmouth, NPDES Appeal No. 07-13, were sent to the following persons in the manner indicated:

By Facsimile and First Class U.S. Mail:

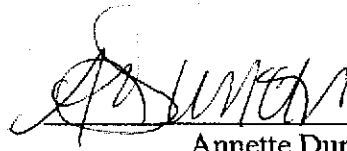
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Dated: OCT 23 2007


Annette Duncan
Secretary