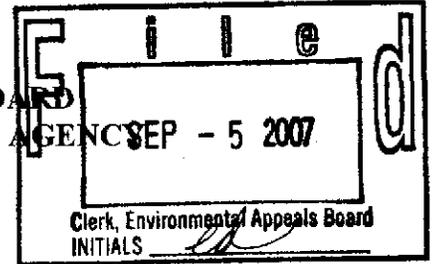


BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.



In re: )  
)  
)  
City of Portsmouth, New Hampshire ) NPDES Appeal No. 07-13  
Peirce Island Wastewater Treatment Facility )  
and Combined Sewer Overflows )  
)  
)  
NPDES Permit No. NH0100234 )  
)

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

On August 31, 2007, Region I 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 entered into 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 the parties have met three times in the past few months and have made meaningful progress towards resolving the disputed issues. The Region now seeks a forty-six-day stay of proceedings before the Environmental Appeals Board, until Tuesday, October 16, 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 second stay of proceedings is hereby **GRANTED**. The parties are directed to provide the Board with a report, on or before **Tuesday, October 16, 2007**, describing the status of settlement negotiations in this case and suggesting a future course of action.

So ordered.

**ENVIRONMENTAL APPEALS BOARD**

Dated: September 5, 2007

By: Anna L. Holcomb  
for Scott C. Fulton  
Environmental Appeals Judge

## CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Motion for Second 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:

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Dated: SEP - 5 2007



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Annette Duncan  
Secretary