

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

In the Matter of:

City of Manchester

NPDES Permit No. NH0100447

NPDES Appeal No. 25-05

**THIRD JOINT STATUS REPORT**

On November 3, 2025, EPA issued a National Pollutant Discharge Elimination System (“NPDES”) Permit (“the Permit”), authorizing discharges from the City of Manchester’s (“the City’s”) wastewater treatment facility to the Merrimack River and other receiving waters. On December 3, 2025, the City timely filed its Petition for Review (“City Petition”) with the Board in this docket (NPDES Appeal No. 25-05).

EPA Region 1 filed an assented-to Motion requesting a stay of the proceedings on December 19, 2025, in order to facilitate settlement discussions between the Region and the City. On December 22, 2025, the Board issued an Order Granting Stay of Proceedings and Directing Status Report in the City’s appeal. More specifically, the Board stayed the case until Friday, February 20, 2026, and directed the parties to submit a status report on or before Tuesday, February 10, 2026. Order Granting Stay of Proceedings and Directing Status Report, at 2.

The parties filed a Joint Status Report on February 10, 2026, requesting an additional 45-day extension to the current stay of the appeal, or until April 6, 2026, to continue settlement negotiations. On February 20, 2026, the Board issued an Order Granting the request, extending the stay until April

6, 2026, and requiring that the parties submit a status report on or before March 27, 2026. Order Extending Stay of the Proceedings.

The parties again provided a status report to the Board on March 27, 2026, reporting that they continued discussions and movement towards a settlement. The parties then requested an additional 45-day extension to the current stay of the appeal, or until May 21, 2026. On March 31, 2026, the Board granted the request, stayed the proceedings until Thursday, May 21, 2026, and directed the parties to “submit a status report setting forth their view on further proceedings, including whether some or all of the issues in the case have been resolved and the basis for any further stay should one be requested, on or before Tuesday, May 12, 2026.” Second Order Extending Stay of the Proceedings, at 2.

The parties have continued to have productive conversations both through their legal counsels and their technical teams. As a result of those discussions, EPA and the City of Manchester have reached a tentative agreement that will resolve all issues set forth in the City’s Petition. In order to finalize the agreement, the parties respectfully request that the Board extend the stay for 30 days.

Dated: May 12, 2026

Respectfully submitted,

U.S. EPA – Region 1

City of Manchester

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*/s/ Adam M. Dumville*

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## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Second Joint Status Report, in connection with *In re City of Manchester*, NPDES Appeal No. 25-05, was sent to the following persons in the manner indicated:

By Electronic Filing:

Tommie Madison  
Clerk of the Board  
U.S. Environmental Protection Agency  
Environmental Appeals Board  
1201 Constitution Avenue, NW  
WJC East Building, Room 3332  
Washington, DC 20004

Dated: May 12, 2026

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