



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region 1  
1 Congress Street, Suite 1100  
BOSTON, MA 02114-2023

## FACSIMILE TRANSMISSION

### RESTRICTED INFORMATION

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To: Euticia Durr, Clerk of the Board      Fax (202) 253-0121  
William E. Taylor, Esq.      Fax (202) 791-1350

From: Ron Fein, Office of Regional Counsel

Date: November 14, 2007

Number of pages including cover: 5

Return Fax: 617-318-3040

Message:

Re: NPDES Appeal No. 05-15

NPDES Permit NH0301562

Wausau Papers of New Hampshire, Inc. (Groveton, New Hampshire)

Please see attached Status Report and Motion to Dismiss Petition.

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CIVIL APPEALS BOARD

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ENVIR. APPEALS BOARD



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I  
ONE CONGRESS STREET SUITE 1100  
BOSTON, MASSACHUSETTS 02114-2023

VIA FAX AND VIA FIRST CLASS MAIL

Burika Durr, Clerk of the Board  
Environmental Appeals Board (MC 1103B)  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460-3001

Re: NPD'S Appeal No. 05-15  
NPD'S Permit NH0001562  
Wausau Papers of New Hampshire, Inc. (Grovelton, New Hampshire)

November 14, 2007

Dear Ms. Durr,

Attached is the parties' joint Status Report and Motion to Dismiss Petition in the above-captioned matter, and a certificate of service. In lieu of five additional paper copies, I have posted electronic copies of each document to the CDX system. Thank you.

Sincerely,

Ronald A. Fern, Assistant Regional Counsel  
U.S. Environmental Protection Agency Region I

cc: William E. Taylor, Esq., Pierce Atwood LLP

RECEIVED  
U.S. E.P.A.

2007 NOV 15 AM 9:35

ENVIR. APPEALS BOARD

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

In re:

Wausau Papers of New Hampshire, Inc.  
Grovelton, New Hampshire

NPDES Appeal No. 05-15

JOINT STATUS REPORT AND MOTION TO DISMISS PETITION

The New England Region of the Environmental Protection Agency ("Region") and permittee-petitioner Wausau Paper Printing & Writing, LLC ("Petitioner") hereby jointly submits this status report and motion to dismiss the petition for review in this matter.

**BACKGROUND**

On September 20, 2005, the Region reissued a National Pollutant Discharge Elimination System Permit, No. NH0001562 ("Permit"), to Petitioner. On October 21, 2005, Petitioner filed, pursuant to 40 C.F.R. § 124.19(a), a Petition for Review ("Petition") of the Permit. On October 27, 2005, the Board directed the Region to submit a response by December 14, 2005.

Since the filing of the Petition, the parties have moved for, and the Board has granted, a series of orders staying the proceedings while the parties engaged in settlement

<sup>1</sup> The permittee and petitioner of record was originally Wausau Papers of New Hampshire, Inc., but has since changed to Wausau Paper Printing & Writing, LLC. This change has been reflected in appropriate permit and effluent limits. For convenience, the Region continues to use the original caption for this proceeding.

discussions. The last such order, dated October 12, 2007, stayed the proceedings in this matter until November 15, 2007, and required the parties to submit, on or before that date, a status report advising the Board whether it would be appropriate to continue the stay, dismiss the Petition, or establish a schedule for the Region to file a response to the Petition.

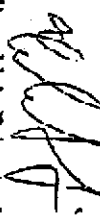
#### STATUS REPORT

On November 8, 2007, the Region issued a final NPDES permit modification that revised the Permit's conditions regarding temperature and cooling water intake structures. This permit modification rendered moot, and resolved to Petitioner's satisfaction, the challenges to these conditions that were raised in the Petition. Petitioner has elected not to file a petition for review of the November 8, 2007 Permit modification, nor to pursue further review of any aspect of the Permit. Petitioner has therefore decided to voluntarily withdraw its appeal.

#### REQUESTED RELIEF

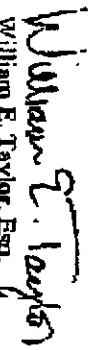
The Region and Petitioner jointly and respectfully request that the Petition for Review be dismissed with prejudice because the issues raised in the Petition have now all been resolved by permit modification.

#### FOR THE REGION

  
Ronald A. Fein, Assistant Regional Counsel  
U.S. EPA Region 1  
One Congress Street, Suite 1100 (RAA)  
Boston, MA 02114

Dated: November 14, 2007

#### FOR PETITIONER

  
William E. Taylor, Esq.  
Pierce Atwood LLP  
One Monument Square  
Portland, ME 04101

Dated: November 14, 2007

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Status Report and Motion to Dismiss  
Petition were sent to the following persons in the manner described below:

Copy by facsimile  
Original by first class mail  
Copy posted to CDX electronic system

Eurika Durr, Clerk of the Board  
Environmental Appeals Board (MC 1103B)  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460-0001

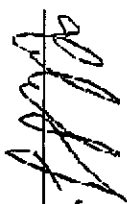
Fax (202) 233-0121

Copy by facsimile  
Copy by first class mail

William E. Taylor, Esq.  
Pierce Atwood LLP  
One Monument Square  
Portland, ME 04101

Fax (207) 791-1350

Dated November 14, 2007



TOTAL P.05