

**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

**MOTION FOR STAY OF THE PROCEEDINGS**

Pursuant to 40 C.F.R. § 124.19(f), Region 1 of the United States Environmental Protection Agency (“EPA”) hereby moves the Environmental Appeals Board (“Board”) to stay the proceedings in this matter to provide the parties with an opportunity to pursue a negotiated resolution of some or all of the issues in dispute in the above-captioned matter.

The grounds for this motion are as follows:

1. 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.
2. On December 3, 2025, the City of Manchester (“Petitioner”) timely filed its Petition for Review (“Petition”) with the Board. The Petitioner requests review of certain aspects of the permit decision: certain conditions alleged to be in conflict with the City’s existing Consent Decree; the ammonia limit and associated compliance schedule; the PFAS monitoring requirements; WET testing frequency; the monthly DMR submission requirement; and the pollutant scan requirement.

3. Under 40 C.F.R. § 124.19(b)(2), EPA's response to the Petition, along with a certified index and relevant portions of the administrative record, is due within 30 days after service of the Petition, or January 2, 2026.
4. EPA has conferred with Counsel for the Petitioner, and both parties have agreed to initiate a discussion to ascertain whether a negotiated resolution of the issues raised in the Petition is possible. Should the parties settle their differences, in whole or in part, the need for EPA and the City to direct resources toward litigation-related activity would be minimized, an outcome that would conserve the resources of the parties as well as of the Board.
5. Due to the technical nature of some of the issues raised in the Petition, it will be appropriate to convene both legal and technical personnel in any settlement discussion. Preparing for and scheduling these meetings will be challenging, given the number of individuals required, and in light of preexisting commitments and travel plans around the holidays. Moreover, EPA offices will be closed on December 25, 2025, and on January 1, 2026.
6. To allow settlement discussions to unfold in an orderly manner, while at the same time ensuring matters on the Board's docket are expeditiously resolved, the parties request the following:
  - a. A 60-day stay of the proceedings that holds the filing deadline for the EPA's response to petition in abeyance, such that the parties' full attention may be directed toward the subject matter that will be at issue in settlement discussions, rather than to litigation before the Board.
  - b. An order directing the parties to file status reports at 30-day intervals, with the first report due upon the end of the initial 60-day stay. In the status report, the parties will report on the progress of negotiations, which will

include a discussion of whether it is appropriate to continue the stay, dismiss the Petition, or lift the stay and establish a schedule for EPA to file a response to the Petition.

Pursuant to 40 C.F.R. § 124.19(f)(2), EPA contacted Petitioner's counsel to ascertain its position on this motion. Petitioner's counsel has assented to this Motion.

For the reasons set forth above, and in the interest of conserving judicial resources and promoting efficiency, EPA respectfully requests that the Board grant this Motion to Stay the Proceedings.

Dated: December 19, 2025

Respectfully submitted,

U.S. EPA – Region 1

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## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Stay of the Proceedings, 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  
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By Electronic Mail:

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Dated: December 19, 2025

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