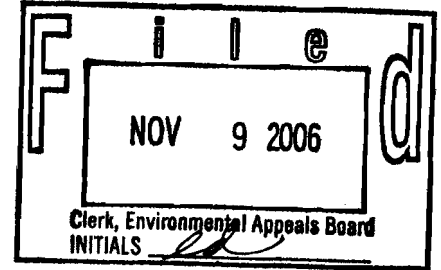


**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**



_____)
In re:)
)
Wausau Papers of New Hampshire,)
Inc.)
)
Permit No. NH0001562)
_____)

NPDES Appeal No. 05-15

**ORDER GRANTING MOTION TO EXTEND
STAY OF PROCEEDINGS**

By order issued July 12, 2006, the Environmental Appeals Board (“Board”) granted a motion filed by the United States Environmental Protection Agency Region 1 (“Region”) requesting a third stay of the proceedings¹ in this National Pollutant Discharge Elimination System (“NPDES”) permit appeal.² *See* Order Granting Motion to Extend Stay of Proceedings (EAB, July 12, 2006). The order stayed the proceedings until November 10, 2006, to allow the parties additional time to try to resolve the issues on appeal by permit modification. *Id.* at 3. The

¹ On November 28, 2005, the Board issued its first order granting a joint motion filed by the Region and Wausau Papers of New Hampshire, Inc. (“Wausau” or “Petitioner”) requesting a stay of the proceedings in the above-captioned matter. The November 28 order stayed the proceedings until April 14, 2006. *See* Order Granting Stay (EAB, Nov. 28, 2005). On April 13, 2006, the parties filed a status report and requested an additional stay of the proceedings until July 13, 2006, which the Board granted by order dated April 20, 2006. *See* Order Continuing Stay (EAB, Apr. 20, 2006).

² On September 14, 2005, the Region reissued an NPDES permit, No. NH0001562, to Wausau under the Clean Water Act (“CWA”), 33 U.S.C. §§ 1251-1387, which authorized Wausau to discharge wastewater and storm water from its manufacturing plant in Groveton, New Hampshire. Wausau thereafter filed this appeal pursuant to 40 C.F.R. § 124.19(a), challenging several conditions of the permit. *See generally* Petition for Review (filed Oct. 24, 2005).

Order also required the parties to submit a report regarding the status of the permit modification on or before November 10, 2006. *Id.*

On November 8, 2006, the Board received a Status Report and Motion to Extend Stay of Proceedings (“Status Report and Motion”) from the Region. Although this motion was submitted by the Region, the Region states that it consulted with Petitioner (Wausau Papers of New Hampshire, Inc.) regarding the motion and that counsel for Petitioner reviewed and approved the motion. Status Report and Motion at 4.

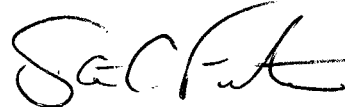
The Region reports that during the past four months the Region and Petitioner have made substantial progress. *Id.* at 2. In its prior motion requesting stay, the Region explained that consultations with state and federal wildlife agencies have required the Region to reassess its approach to two of the four issues under discussion. The Region now explains that the two issues have proven even more complex than the Region earlier understood, *id.*, and that the Region is now pursuing a two-phase process for permit modification. *Id.* at 3. The first phase will consist of a permit modification limited in scope to only two of the four issues presented in the Petition. *Id.* The Region expects to submit this first draft for formal public comment during the week of November 13, 2006. *Id.* With respect to the remaining two issues, the Region states that it requires additional time to develop a proposed second permit modification and to consult further with state and federal agencies. *Id.*

Upon consideration of the foregoing and for good cause shown, the current motion is GRANTED. Accordingly, the above-captioned matter is hereby STAYED until March 9, 2007, pending the outcome of the permit modification process. On or before March 9, 2007, the parties shall submit a report regarding the status of the permit modification which shall include a discussion of whether it is appropriate to continue the stay, dismiss the petition, or establish a schedule for the Region to file a response to the petition.

So ordered.

ENVIRONMENTAL APPEALS BOARD

By: _____



Scott C. Fulton

Environmental Appeals Judge

Dated: Nov. 7, 2006

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Motion to Extend Stay of Proceedings in the matter of Wausau Papers of New Hampshire, Inc., NPDES Appeal No. 05-15, were sent to the following persons in the manner indicated:

Pouch Mail
(and copy by facsimile):

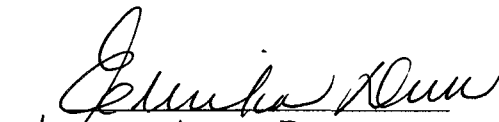
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Dated: 11/9/06


for Annette Duncan
Secretary