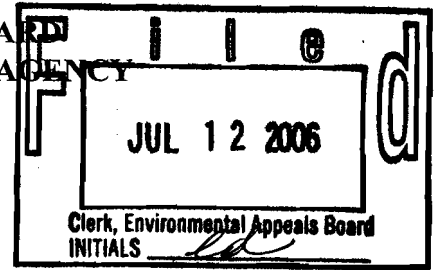


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



_____)
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 April 20, 2006, the Environmental Appeals Board (“Board”) granted a motion filed by the United States Environmental Protection Agency Region 1 (“Region”) requesting a second stay of the proceedings¹ in this National Pollutant Discharge Elimination System (“NPDES”) permit appeal.² *See* Order Continuing Stay (EAB, Apr. 20, 2006). The order stays the proceedings until July 13, 2006, to allow the parties additional time to try to resolve the issues on appeal by permit modification. *Id.* at 2. The Order Continuing Stay also required 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 at 2-3 (EAB, Nov. 28, 2005).

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 October 24, 2005).

parties to submit a report regarding the status of the permit modification on or before July 13, 2006. *Id.*

On July 11, 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 regarding the motion and that counsel for Petitioner reviewed and approved the motion. Status Report and Motion at 3.

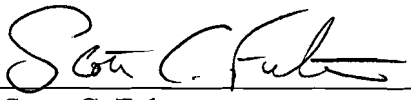
The Region reports that during the past three months the Region and Petitioner have made substantial progress. *Id.* at 2. For instance, the Region explains, after the issuance of the Board’s April 20, 2006 order, Petitioner and the Region tentatively agreed on a draft permit modification that would resolve all the issues presented in the petition. However, the Region further explains, consultations with state and federal wildlife agencies have required the Region to reassess its approach. The Region is therefore requesting additional time to formulate a revised draft permit modification to address the concerns of the state and federal wildlife agencies, and to present the revised draft to Petitioner for review and comments. The Region requests the stay be continued until November 10, 2006, to allow the Region time to continue the process of modifying the permit. *Id.* According to the Region, the additional time is necessary to: (1) develop a revised draft permit modification; (2) consult with state and federal wildlife agencies regarding the revision; (3) allow Petitioner an opportunity to review and comment upon the revised draft permit; (4) make any necessary revisions; (5) propose the draft permit

modification for public comment; (6) receive, review and respond to public comments; and (7) issue a final permit modification. *Id.* at 2-3.

Upon consideration of the foregoing and for good cause shown, the current motion is GRANTED. Accordingly, the above-captioned matter is hereby STAYED until November 10, 2006, pending the outcome of the permit modification process. On or before November 10, 2006, 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: July 12, 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):

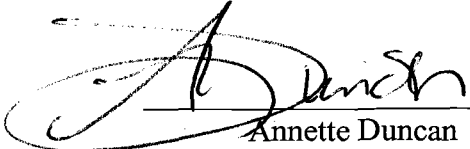
Ann H. Williams, Esq.
Office of Regional Counsel
U.S. EPA Region 1 (RAA)
One Congress Street, Suite 1100
Boston, MA 02114-2023
(617) 918-1029 (fax)

Ronald A. Fein, Esq.
Assistant Regional Counsel
U.S. EPA Region 1 (RAA)
One Congress Street, Suite 1100
Boston, MA 02114-2023
(617) 918-1029 (fax)

First Class Mail
Postage Prepaid
(and copy by facsimile):

William E. Taylor, Esq.
Pierce Atwood LLP
One Monument Square
Portland, ME 04101
(207) 791-1350 (fax)

Dated: **JUL 13 2006**


Annette Duncan
Secretary