

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

\_\_\_\_\_) )  
 In re City of Rochester, New Hampshire ) ) NPDES Appeal No. 23-01  
 NPDES Permit No. NH0100668 ) )  
 \_\_\_\_\_) )

**FIFTH ORDER EXTENDING STAY OF PROCEEDINGS  
 TO ALLOW PARTIES TO PARTICIPATE IN THE BOARD’S  
 ALTERNATIVE DISPUTE RESOLUTION PROGRAM**

On April 19, 2023, the City of Rochester, New Hampshire (“City”) petitioned the Environmental Appeals Board (“Board”) to review certain conditions of National Pollutant Discharge Elimination System permit no. NH0100668, which the U.S. Environmental Protection Agency (“EPA”) Region 1 issued to the City on March 20, 2023. The City and EPA Region 1 agreed to participate in the Board’s Alternative Dispute Resolution (“ADR”) program. On May 12, 2023, the Board issued an order staying all proceedings to allow for the ADR process to proceed. On May 31, July 26, September 27, and November 20, 2023, the Board extended the stay.

The settlement judge has notified the panel that the parties have made substantial progress towards resolution of the matter. In light of this development, a further stay of the proceedings for 30 days beyond the expiration of the current stay on Monday, February 5, 2024, is warranted. Accordingly, all proceedings in this matter are stayed until **Wednesday, March 6, 2024.**

So ordered.

Dated: January 26, 2024

**ENVIRONMENTAL APPEALS BOARD**

By: \_\_\_\_\_

Aaron P. Avila  
 Environmental Appeals Judge

**CERTIFICATE OF SERVICE**

I certify that copies of the foregoing *Fifth Order Extending Stay of Proceedings to Allow Parties to Participate in the Board's Alternative Dispute Resolution Program* in the matter of City of Rochester, New Hampshire, NPDES Appeal No. 23-01, were sent to the following persons in the manner indicated:

**By Email:**

**For: City of Rochester**

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Dated: Jan 26, 2024

Annette Duncan

Annette Duncan  
Administrative Specialist