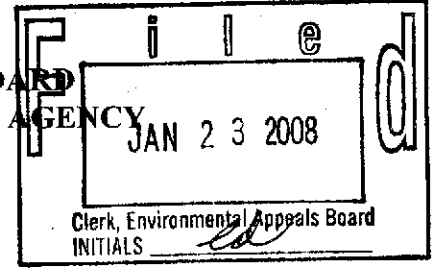


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
)
)
City of Portsmouth, New Hampshire) NPDES Appeal No. 07-13
Peirce Island Wastewater Treatment Facility)
and Combined Sewer Overflows)
)
NPDES Permit No. NH0100234)
)

ORDER DISMISSING PETITION FOR REVIEW

On January 22, 2008, the petitioner in the above-captioned case, Conservation Law Foundation ("CLF"), filed a notice of settlement and voluntary motion to dismiss its pending petition for review of NPDES Permit No. NH0100234. CLF reports that the parties to this appeal, which include EPA Region 1, the permit issuer, and the City of Portsmouth, New Hampshire, the permittee, have settled the issues in dispute regarding the permit and entered a fully executed settlement agreement to that effect on January 18, 2008.

Accordingly, CLF's petition for review of NPDES Permit No. NH0100234 is hereby **DISMISSED WITH PREJUDICE.**

So ordered.

Dated: January 23, 2008

ENVIRONMENTAL APPEALS BOARD

By: [Signature]
Scott C. Fulton
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Order Dismissing Petition for Review** in the matter of *City of Portsmouth*, NPDES Appeal No. 07-13, were sent to the following persons in the manner indicated:

By Facsimile and First Class U.S. Mail:

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Dated: JAN 23 2008



Annette Duncan
Secretary