



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
FIVE POST OFFICE SQUARE - SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

VIA ELECTRONIC FILING

Eurika Durr, Clerk of the Board
Environmental Appeals Board (MC 1103B)
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

Re: NPDES Appeal No. 09-18
NPDES Permit No. NH0100595
Town of Jaffrey, NH Public Works Department (Jaffrey, New Hampshire)

August 18, 2010

Dear Ms. Durr,

Enclosed please find the original of the parties' Joint Status Report and Motion to Dismiss Petition in the above-captioned case, with an attached certificate of service. The motion and the certificate of service have been posted electronically to the CDX system, and paper copies have also been mailed to the Board and to counsel of record today.

Sincerely,

Ronald A. Fein

Ronald A. Fein
Assistant Regional Counsel
U.S. EPA Region I
5 Post Office Square, Suite 100 (ORA18-1)
Boston, MA 02109-3912

Ronald A. Fein for George Dana Bisbee

George Dana Bisbee
Devine, Millimet & Branch, P.A.
111 Amherst Street
Manchester, NH 03101

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

In re: Town of Jaffrey, NH Public Works Department Jaffrey, New Hampshire)	
NPDES Permit No. NH0100595)	NPDES Appeal No. 09-18
)	
)	

FINAL STATUS REPORT AND MOTION TO DISMISS PETITION

Region 1 (“Region”) of the United States Environmental Protection Agency (the Respondent) and the Town of Jaffrey, New Hampshire (the permittee and Petitioner) jointly provide this status report and respectfully request that the Environmental Appeals Board (“Board”) dismiss the petition for review in the above-captioned matter because the dispute has been resolved through settlement.

BACKGROUND

This is an appeal of NPDES Permit No. NH0100595 (“Permit”), which the Region reissued to Petitioner on September 28, 2009. On December 8, 2009, the Board issued a stay of proceedings for the parties to explore settlement negotiations, and stayed the appeal until March 24, 2010, which the Board later extended. In the parties’ most recent status report, filed July 9, 2010, the parties advised the Board that (1) the Region had submitted a draft permit modification for public comment, modifying these and other effluent limits, with a 30-day public comment period ending on August 4, 2010, and (2) the parties had also worked cooperatively to develop a draft administrative compliance order pertaining to other effluent limits which are not being modified. On July 13, 2010, the Board extended the stay to August 25, 2010 and ordered that a status report be filed no later than August 18, 2010, advising whether the Board should further extend the stay, establish a revised schedule for the litigation, or take other appropriate action.

STATUS REPORT

On August 4, 2010, the public comment period for the permit modification concluded. The Region received no comments. On August 16, 2010, the Region signed the final permit modification, which took effect immediately pursuant to 40 C.F.R. § 124.15(b)(3). The Town has elected not to pursue its appeal further in light of this permit modification and of productive negotiations regarding an administrative compliance order.

REQUESTED RELIEF AND GROUNDS FOR SUCH RELIEF

The Town hereby withdraws its petition for review, and the parties jointly request that the Board dismiss the petition in its entirety.

Ronald A. Fein

Ronald A. Fein, Assistant Regional Counsel
U.S. EPA Region 1
5 Post Office Square, Suite 100 (ORA18-1)
Boston, MA 02109-3912

Ronald A. Fein for George Dana Bisbee

George Dana Bisbee
Devine, Millimet & Branch, P.A.
111 Amherst Street
Manchester, NH 03101

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Status Report and Motion to Dismiss Petition were sent on the 18th day of August 2010 to the following persons in the manner described below:

Electronic posting to CDX system

Eurika Durr, Clerk of the Board
Environmental Appeals Board (MC 1103B)
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

Copy by first class mail
Copy by e-mail

George Dana Bisbee, Esq.
Devine, Millimet & Branch, P.A.
111 Amherst Street
Manchester, NH 03101

Signed: August 18, 2010

Ronald A. Fein
Ronald A. Fein

