



**INSIGHT MATTERS**

**James J. Steinkrauss**  
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Please reply to: Concord Office

March 28, 2024

**VIA EAB E-FILING SYSTEM**

Mr. Emilio Cortes  
Clerk of the Board  
U.S. Environmental Protection Agency  
Environmental Appeals Board  
1200 Pennsylvania Avenue, N.W.  
Mail Code 1103M  
Washington, DC 20460-0001

RE: City of Rochester – Wastewater Treatment Facility  
Petition for Review of NPDES Permit No. NH 0100668  
Docket No. NPDES 23-01

Dear Mr. Cortes:

Attached please find for filing, the City of Rochester’s Notice of Withdrawal of the Petition for Review of NPDES Permit No. NH0100668 in the above-referenced docket. The enclosed Notice of Withdrawal also includes a certificate of service. The City conferred with EPA prior to filing this Notice, and EPA had no objections or comments on the filing.

If you have any questions regarding the filing, please feel free to contact me at (603) 410-4314. Thank you for your attention to this matter.

Very truly yours,



James J. Steinkrauss

Enc.

cc: Michael Knapp, Senior Regional Counsel, EPA Region 1 (*via electronic mail*)  
Katie Ambrose, City Manager, City of Rochester (*via electronic mail*)  
Peter Nourse, P.E., Director of City Services, City of Rochester (*via electronic mail*)

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Emilio Cortes, Clerk of the Board, Environmental Appeals Board  
March 28, 2024  
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Terence O'Rourke, Esq., City Attorney, City of Rochester (*via electronic mail*)  
David Green, WWTF Chief Operator, City of Rochester (*via electronic mail*)  
Sherilyn Burnett Young, Esq., Rath, Young and Pignatelli, P.C. (*via electronic mail*)  
Craig McMahon, Esq., Rath, Young and Pignatelli, P.C. (*via electronic mail*)

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

_____	)	
In re:	)	
	)	
City of Rochester, Division of Public Works	)	
	)	NPDES Appeal No. 23-01
NPDES Permit No. NH0100668	)	
	)	
_____	)	

**NOTICE OF WITHDRAWAL OF PETITION FOR REVIEW**

The Petitioner, City of Rochester, New Hampshire (the “City”) hereby provides a notice to the Environmental Appeals Board (“EAB”) of its voluntary withdrawal of its April 19, 2023 Petition for Review of NPDES Permit No. NH0100668 in NPDES Permit Appeal No. 23-01.

On April 25, 2023, the EAB invited the City and the Environmental Protection Agency (“EPA”), collectively the “Parties” to NPDES Permit Appeal No. 23-01 to participate in the Board’s Alternative Dispute Resolution (“ADR”) program. Both the City and EPA agreed to voluntarily participate in the ADR program and filed a joint notification of interest on May 4, 2023. On May 12, 2023, the EAB entered an order staying the proceedings to allow the Parties to participate in the ADR process. After initial conferences of the Parties with EAB Judge Mary Kay Lynch, acting as Settlement Judge in the ADR process, the parties reached an initial agreement on July 21, 2023, to continue settlement negotiations towards resolution of outstanding issues. The EAB issued successive orders extending the stay of proceedings through

April 5, 2024 while the Parties continued negotiations on an Administrative Order on Consent (“AOC”) agreement to resolve the contested issues in the appeal.

On March 27, 2024, the Parties executed an AOC agreement resolving the disputes regarding this matter, specifically the total phosphorus limit and a schedule for implementation of necessary upgrades at the City’s wastewater treatment facility. Consistent with the terms of the July 21, 2023 agreement of the Parties, the City hereby provides notice to the EAB that it is withdrawing its Petition for Review of NPDES Permit NH0100668 in NPDES Appeal No. 23-01.

Dated: March 28, 2024

s/ James J. Steinkrauss  
Sherilyn Burnett Young  
James J. Steinkrauss  
Craig Thomas McMahon  
Rath, Young and Pignatelli, P.C.  
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**CERTIFICATE OF SERVICE**

I, James J. Steinkrauss, hereby certify that on this 28<sup>th</sup> day of March 2024, I served a copy of the foregoing Notice of Withdrawal of Petition for Review sent to the following persons in the manner specified below:

By Electronic Filing:

Mr. Emilio Cortes  
Clerk of the Board  
U.S. Environmental Protection Agency  
Environmental Appeals Board  
1201 Constitution Avenue, NW  
U.S. EPA East Building, Room 3332  
Washington, DC 20004

By Electronic Mail:

Michael Knapp, Esq.  
Senior Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region 1  
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Boston, MA 02109  
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/s/ James J. Steinkrauss  
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City of Rochester