



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
ONE CONGRESS STREET SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

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ENVIRONMENTAL APPEALS BOARD

BY FACSIMILE AND BY REGULAR MAIL

November 22, 2005

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

Re: Wausau Papers of New Hampshire, Inc.
NPDES Appeal No. 05-15

Dear Ms. Durr:

Please accept a facsimile of the following Joint Motion for Stay of the Proceedings in the above-captioned matter. I am also mailing you an original and five copies of this motion.

Please contact me at 617-918-1097, or by fax at 617-918-1029, if you need to discuss this filing.

Sincerely,

A handwritten signature in cursive script that reads "Ann H. Williams".

Ann H. Williams
Senior Assistant Regional Counsel

cc: William E. Taylor, Esq., Pierce Atwood

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

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ENVIRONMENTAL APPEALS BOARD

In the Matter of:)

Wausau Papers of New)
Hampshire, Inc.)
_____)

NPDES Appeal No. 05-15

JOINT MOTION FOR STAY OF THE PROCEEDINGS

Region 1 of the Environmental Protection Agency ("EPA" or the "Region"), Respondent, and Wausau Papers of New Hampshire, Inc. ("Wausau"), Petitioner, respectfully submit to the Environmental Appeals Board ("Board") this Joint Motion for Stay of the Proceedings in the above-referenced appeal. The basis for this motion is to allow the parties to resolve the issues raised by Petitioner in its appeal, as discussed below.

On September 20, 2005, EPA reissued a National Pollutant Discharge Elimination System ("NPDES") Permit, No. NH0001562, to Wausau authorizing wastewater and storm water discharges into the Connecticut River in connection with Wausau's manufacture of printing and writing papers in Groveton, New Hampshire.¹

The permit also authorizes Wausau to discharge intake filter bypass water and sand filter backwash water into the Upper Ammonoosuc River. On October 24, 2005, Wausau filed a petition for review by the Board contesting the monthly average and daily maximum temperature

¹The Region's Division Director signed the permit on September 14, 2005, but the permit was not mailed to Wausau until September 20, 2005. Wausau received the permit on September 22, 2005.

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limitations for outfall 017; the upstream and downstream turbidity monitoring requirements for outfalls 017 and 018; the monthly average flow limit for outfall 018; the monthly average and daily maximum limits and measurement frequency for total residual chlorine; and requirements related to the facility's intake structures. The Board directed the Region to submit a response by December 14, 2005 that addresses Wausau's contentions and whether Wausau has satisfied the requirements for obtaining review.

The parties have entered into settlement negotiations and believe there is a substantial likelihood of resolution of some or all of the issues in this appeal. During the period between the issuance of the draft permit for public comment on March 30, 2001, and the issuance of the final permit on September 20, 2005, a number of changes occurred at Wausau's facility and Wausau obtained additional data relevant to the appropriate limits on its discharges. Accordingly, Wausau intends to submit a permit modification request to the Region on or about the first week of December, 2005. Settlement of some or all of the issues in this appeal through a permit modification will simplify or resolve the issues before the Board and thus conserve the Board's resources. Therefore, the Region and Wausau request a 120 day stay of the proceedings before the Board in this case, until April 14, 2006. That would enable the Region to evaluate the modification request and supporting information, coordinate with New Hampshire Department of Environmental Services, propose a permit modification for public comment, review and respond to public comments, and finalize the permit modification. On or as soon as possible before that

date, the Parties will submit a status report to advise the Board whether it is appropriate to continue the stay, dismiss the Petition, or establish a schedule for EPA's response to the Petition.

Respectfully submitted,

United States EPA/Region I

Ann H. Williams

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Office of Regional Counsel
US EPA Region 1 (RAA)
One Congress St. - Suite 1100
Boston, MA 02114-2023

Phone: (617) 918-1097

Fax: (617) 918-1029

Dated: November 21, 2005

Wausau Papers of New Hampshire, Inc.

William Taylor

William Taylor, Esq.
Pierce Atwood, LLP
One Monument Square
Portland, ME 04101

Phone: (207) 791-1213

Fax: (207) 791-1350

Dated: November 17, 2005

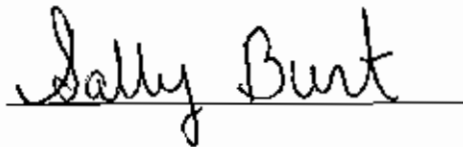
In the Matter of: Wausau Papers of New Hampshire, Inc. NPDES Appeal No. 05-15

CERTIFICATE OF SERVICE

I, Sally Burt, hereby certify that one original and five copies of the foregoing Joint Motion were mailed by First Class Mail on this 22d day of November, 2005 to the Environmental Appeals Board 1103B, Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20460-0001, and that a copy of the foregoing was sent by First Class Mail, postage prepaid, to the following person:

William Taylor, Esq.
Picree Atwood, LLP
One Monument Square
Portland, ME 04101

Dated: November 22, 2005

A handwritten signature in cursive script that reads "Sally Burt". The signature is written in black ink and is positioned above a solid horizontal line.