

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

)	
In the Matter of:)	
)	
City of Portsmouth, New Hampshire)	
)	NPDES Appeal No. 22-02
NPDES Permit No. NH0109000)	
)	

JOINT MOTION FOR EXTENSION OF STAY

On September 29, 2022, the Environmental Appeals Board (“Board”) invited the City of Portsmouth (“City”) and the Environmental Protection Agency (“EPA”), collectively the “Parties” to the NPDES permit appeal No. 22-02, to participate in the Board’s Alternative Dispute Resolution (“ADR”) program. On October 12, 2022, the Parties notified the Board that they agreed to voluntarily participate in the ADR program. On October 14, 2022, the Board issued an order staying all proceedings until December 13, 2022, to allow for the ADR process to proceed. On December 6, 2022, the Board issued an order extending the stay of proceedings until January 31, 2023.

On January 9, 2023, the Parties participated an EAB-facilitated ADR session at EPA’s Region 1 office in Boston, Massachusetts. The Parties have reached an agreement through the ADR process. Pursuant to 40 C.F.R. § 124.19(j), EPA will withdraw the daily concentration and mass-based limits for total suspended solids (“TSS”) and biological oxygen demand (“BOD”) at Part I.A.1 of the Permit. Pursuant to 40 C.F.R. § 124.6, EPA will issue a new proposal for public comment regarding only the removal of those permit provisions. Upon EPA’s publication of the draft permit provisions pursuant to Paragraph

(2), the City will, within 10 days, withdraw its permit appeal, NPDES Appeal No. 22-02, before the Environmental Appeals Board.

The Parties anticipate this process will require up to four months to complete. Therefore, the Parties jointly request that the Board extend its stay order until May 31, 2023. If the Parties are able to conclude this process at a sooner date, they will do so.

Dated: January 27, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Joint Motion for Extension of Stay, in connection with In re City of Portsmouth, NPDES Appeal No. 22-02, was sent to the following persons in the manner indicated:

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

Dated: January 27, 2023

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