

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

In re:)
City of Manchester, New Hampshire)
Department of Public Works)
Docket No. NH0100447)
Appeal No. NPDES 25-05)

)

**MOTION OF THE CITY OF MANCHESTER FOR AN ORDER CONFIRMING STAY
OF APPEAL DEADLINES AND TO DEFER RULING UPON CLF'S INTERVENTION
MOTION DUE TO STAY OF APPEAL DEADLINES**

The City of Manchester, New Hampshire, Department of Public Works (the “City”), by and through its attorneys, McLane Middleton, Professional Association, moves for an order confirming that all procedural deadlines in this case, including any deadline applicable to the Motion for Leave to Intervene filed by the Conservation Law Foundation, are stayed by the Environmental Appeal Board’s December 22, 2025 Order Granting Stay of Proceedings and Directing Status Report (the “Stay Order”). In support of this Motion, the City states as follows:

1. On December 19, 2025, EPA Region 1 filed a motion seeking a stay of proceedings in this Appeal for sixty (60) days.
2. On December 22, 2025, the Board issued the Stay Order, in which it ordered that the “case is stayed until Friday, February 20, 2026.” The Stay Order directed the parties to submit a status report on or before February 10, 2026, and to identify in such report “whether the parties anticipate being able to continue progress towards a settlement and the basis for any further stay should one be requested.”

3. The Stay Order effectuated a complete stay of the proceeding, including all procedural deadlines, until February 20, 2026.

4. CLF filed a Motion for Leave to Intervene on January 9, 2026, after the case had been stayed.

5. Consistent with the Stay Order, and the resulting stay of all procedural deadlines in this case, the City requests confirmation that all deadlines applicable to CLF's intervention motion are stayed until no earlier than February 20, 2026, or a later date set by the Board if a further stay is requested by the parties. Specifically, the City requests an order confirming that its deadline to object pursuant to 40 C.F.R. § 19(f)(3) is stayed and thus no decision on CLF's intervention motion will be issued during the pendency of the stay period.

6. Undersigned counsel contacted EPA Region 1 and Conservation Law Foundation pursuant to 40 C.F.R. § 124.19(f)(2). EPA Region 1 takes no position on the relief requested in this motion, Conservation Law Foundation objects.

WHEREFORE, the City respectfully requests that the Board:

- A. Grant this motion;
- B. Issue an order confirming the deadline for the parties to object to CLF's intervention motion is February 20, 2026 or a later date set by the Board;
- C. Decline to issue any decision on CLF's intervention motion until after the stay is lifted and the parties have had an opportunity to respond to the intervention motion; and
- D. Grant such other and further relief as may be just and reasonable.

Respectfully submitted,

CITY OF MANCHESTER, NEW HAMPSHIRE

By its Attorneys,

McLANE MIDDLETON,
PROFESSIONAL ASSOCIATION

Date: January 20, 2026

/s/ Adam Dumville

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CERTIFICATE OF SERVICE

I, Adam M. Dumville, hereby certify that on this 20th day of January 2026, I served a copy of the foregoing Motion on the parties identified below by the Environmental Appeals Board electronic filing system, U.S. first-class mail, postage pre-paid and via electronic mail to:

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Dated on the 20th of January 2026.

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