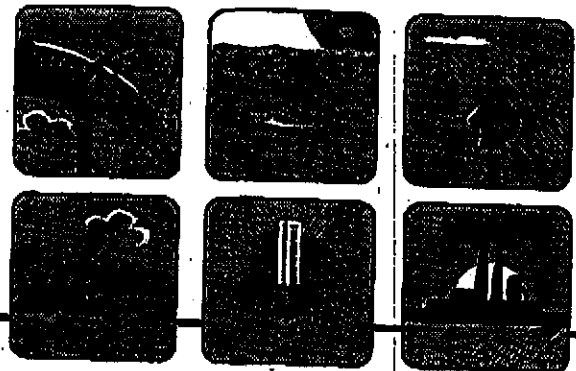




Conservation Law Foundation

27 North Main Street, Concord, New Hampshire 03301-4930

Phone (603) 225-3060
Fax (603) 225-3059



From: SENDER: Thomas F. Irwin
PHONE: 603/225-3060
FAX: 603/225-3059
DATE SENT: 1/18/07

To: NAME: Eurika Durr, Clerk
COMPANY: EPA Env'tl Appeals Board
PHONE: (202) 233-0122
FAX: (202) 233-0121

Total Pages including cover: 4

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To: NAME: Ann H. Williams
COMPANY: EPA Office of Regional Counsel
PHONE: (617) 918-1097
FAX: (617) 918-0097

To: NAME: E. Tupper Kinder
COMPANY: Nelson, Kinder, Morrison & Satrio
PHONE: (603) 647-1800
FAX: (603) 647-1900

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MESSAGE:

Please find enclosed
Petitioner Conservation Law
Foundation's Notice of
Settlement and Voluntary
Motion to Dismiss in
The following docket:

NPDES Appeal No. 07-13

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CONSERVATION LAW FOUNDATION

January 18, 2008

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

Re: *City of Portsmouth, New Hampshire Peirce Island Wastewater Treatment Facility
and Combined Sewer Overflows, NPDES Appeal No. 07-13*

Dear Ms. Durr:

Please find enclosed one original and five copies of Petitioner Conservation Law Foundation's Notice of Settlement and Voluntary Motion to Dismiss in the above-referenced NPDES permit appeal.

Thank you for your assistance in this matter. Please do not hesitate to contact me should you have any questions.

Very truly yours,

Thomas F. Irwin,
Senior Attorney

Encls.

cc: Ann H. Williams, Esq.
E. Tupper Kinder, Esq.

27 North Main Street, Concord, New Hampshire 03301-4930 • Phone 603-225-3060 • Fax 603-225-3059 • www.clf.org

MAINE: 14 Maine Street, Suite 200, Brunswick, Maine 04011-2026 • Phone 207-729-7733 • Fax 207-729-7373
MASSACHUSETTS: 62 Summer Street, Boston, Massachusetts 02110-1016 • Phone 617-350-0990 • Fax 617-350-4030
RHODE ISLAND: 55 Dorrance Street, Providence, Rhode Island 02903-2221 • Phone 401-351-1102 • Fax 401-351-1130
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WASHINGTON, D.C.

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In re: City of Portsmouth, New Hampshire)
Peirce Island Wastewater Treatment Facility)
and Combined Sewer Overflows)
NPDES Permit No. NH0100234)

NPDES Appeal No. 07-13

**PETITIONER CONSERVATION LAW FOUNDATION'S
NOTICE OF SETTLEMENT AND VOLUNTARY MOTION TO DISMISS**

On May 3, 2007, Conservation Law Foundation (CLF) filed a petition for review of a National Pollutant Discharge Elimination System permit issued by Region 1 of the Environmental Protection Agency (EPA) to the City of Portsmouth, New Hampshire (City) authorizing discharges into the Piscataqua River from the City's Peirce Island wastewater treatment facility, and combined sewer overflow discharges into South Mill Pond. On June 20, 2007, the City filed a letter with the Environmental Appeals Board (Board) stating its desire to participate in the proceedings. By order dated June 27, 2007, the Board granted the City's request to intervene.

The Board has granted multiple assented-to motions to stay this proceeding, to allow the parties to explore settlement.

CLF hereby notifies the Board that the parties to this action have this day entered a fully executed settlement agreement. Accordingly, CLF voluntarily moves for dismissal of this action and respectfully requests that this appeal docket be closed.

Respectfully Submitted,

Conservation Law Foundation

By: 

Thomas F. Irwin
Senior Attorney
Conservation Law Foundation
27 North Main Street
Concord, NH 03301
603.225.3060
Fax: 603.225.3059

Date: January 18, 2008

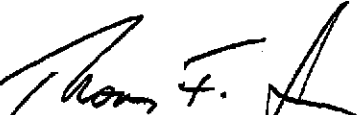
CERTIFICATE OF SERVICE

I hereby certify that this pleading has been this day served by facsimile, and by mailing one original and five copies by First Class U.S. Mail to Environmental Appeals Board, Ariel Rios Building, 1200 Pennsylvania Avenue, N.W., Washington, D.C., 20460-0001, and that a true copy of this pleading has been sent by facsimile and by First Class U.S. Mail, postage prepaid, to:

Ann H. Williams, Esq.
U.S. EPA Region 1 (RAA)
One Congress Street, Suite 1100
Boston, MA 02114-2023

E. Tupper Kinder, Esq.
Nelson, Kinder Mosseau & Saturley, P.C.
99 Middle Street
Manchester, NH 03101

Date: January 18, 2008



Thomas F. Irwin, Esq.
Senior Attorney
Conservation Law Foundation
27 North Main Street
Concord, NH 03301
603.225-3060
Fax: 603.225-3059