

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

	)	
In re City of Rochester, New Hampshire	)	NPDES Appeal No. 23-01
NPDES Permit No. NH0100668	)	
	)	
	)	

**ORDER DISMISSING PETITION FOR REVIEW**


On March 28, 2024, the City of Rochester, New Hampshire, filed a notice withdrawing its petition for review in this matter. In support of its filing, the City states that the parties have executed an agreement for an Administrative Order on Consent that will resolve the contested issues in the appeal, “specifically the total phosphorus limit and a schedule for implementation of necessary upgrades at the City’s wastewater treatment facility.” City of Rochester Notice of Withdrawal of Petition for Review at 2 (March 28, 2024). The City further states that its notice is consistent with the terms of a July 21, 2023 agreement between the parties to engage in continued settlement negotiations towards resolution of outstanding issues. *Id.* at 1-2.

In light of the City’s filing and the representations contained therein, the Environmental Appeals Board dismisses the City’s petition for review.

So ordered.<sup>1</sup>

**ENVIRONMENTAL APPEALS BOARD**

Dated: March 29, 2024

By:   
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 Aaron P. Avila  
 Environmental Appeals Judge

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<sup>1</sup> The two-member panel deciding this matter is composed of Environmental Appeals Judges Aaron P. Avila and Wendy L. Blake.

**CERTIFICATE OF SERVICE**

I certify that copies of the foregoing **Order Dismissing Petition for Review** in the matter of City of Rochester, New Hampshire, NPDES Appeal No. 23-01, were sent to the following persons in the manner indicated:

**By Email:**

**For: City of Rochester**

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Dated: Mar 29, 2024

*Emilio Cortes*

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Emilio Cortes  
Clerk of the Board