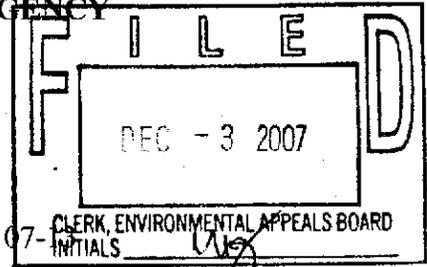


BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.



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

NPDES Appeal No. 07-

**ORDER GRANTING MOTION  
FOR FOURTH STAY OF PROCEEDINGS**

On November 30, 2007, Region 1 of the U.S. Environmental Protection Agency filed a motion seeking an extension of the stay of proceedings in the above-captioned matter. The Region reports that it has been actively engaged in negotiations with the Conservation Law Foundation ("CLF"), petitioner, and the City of Portsmouth, permittee, and, at this juncture, the parties have reached an agreement in principle to settle their disputed issues regarding the City's NPDES permit. With the assent of CLF and the City, the Region requests an additional twenty-one day extension in the current stay to provide time for the parties to reach final resolution of the appealed issues.

For good cause shown, the Region's motion for a fourth stay of proceedings is hereby **GRANTED**. The parties are directed to provide the Board with a report, on or before **Friday, December 21, 2007**, describing the status of settlement negotiations in this case and suggesting a future course of action.

So ordered.

Dated: December 3, 2007

**ENVIRONMENTAL APPEALS BOARD**

By: Nathaniel A. Steinhilber Scott C. Fulton

Scott C. Fulton  
Environmental Appeals Judge

## CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Motion for Fourth Stay of Proceedings in the matter of City of Portsmouth, NPDES Appeal No. 07-13, were sent to the following persons in the manner indicated:

### By Facsimile and First Class U.S. Mail:

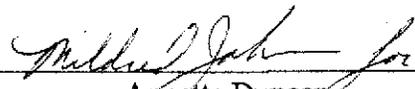
Thomas F. Irwin, Esq.  
Conservation Law Foundation  
27 North Main Street  
Concord, New Hampshire 03301  
telephone: (603) 225-3060  
facsimile: (603) 225-3059

E. Tupper Kinder, Esq.  
Nelson, Kinder, Mosseau & Saturley, P.C.  
99 Middle Street  
Manchester, New Hampshire 03101  
telephone: (603) 647-1800  
facsimile: (603) 647-1900

### By Facsimile and EPA Pouch Mail:

Ann H. Williams, Senior Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region 1  
One Congress Street, Suite 1100 (RAA)  
Boston, Massachusetts 02114-2023  
telephone: (617) 918-1097  
facsimile: (617) 918-1029

Dated: DEC 3 2007

  
Annette Duncan  
Secretary