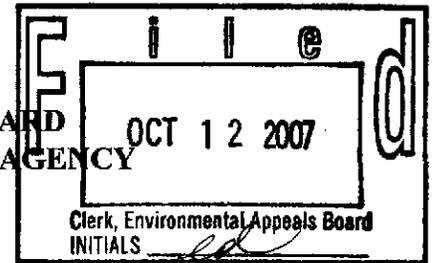


BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.



In re: )  
)  
Wausau Papers of New Hampshire, )  
Inc. )  
)  
Permit No. NH0001562 )  
\_\_\_\_\_ )

NPDES Appeal No. 05-15

**ORDER STAYING PROCEEDINGS**  
**AND**  
**CANCELING STATUS CONFERENCE**

By order issued July 12, 2007, the Environmental Appeals Board (“Board”) granted one of several motions filed by the United States Environmental Protection Agency Region 1 (“Region”) and Petitioner, Wausau Papers of New Hampshire, Inc., requesting a stay of the proceedings<sup>1</sup> in this National Pollutant Discharge Elimination System (“NPDES”) permit appeal.<sup>2</sup> See Order Granting Motion to Extend Stay of Proceedings (EAB Mar. 8, 2007). The order stayed the proceedings until October 12, 2007, to allow the parties additional time to try to resolve the issues on appeal by permit modification. The order also required the parties to submit

<sup>1</sup> The Board issued its first order granting the parties’ request to stay the proceedings in this case on November 28, 2005, and later, upon request and for good cause shown, the Board issued similar orders on April 20, 2006, July 12, 2006, November 9, 2006, and March 8, 2007.

<sup>2</sup> On September 14, 2005, the Region reissued an NPDES permit, No. NH0001562, to Wausau Papers of New Hampshire, Inc., (“Wausau”) under the Clean Water Act (“CWA”), 33 U.S.C. §§ 1251-1387, authorizing Wausau to discharge wastewater effluent and storm water from its manufacturing plant into the Connecticut River and sand filter backwash water into the Upper Ammonoosuc River in Groveton, New Hampshire. Wausau thereafter filed this petition pursuant to 40 C.F.R. § 124.19(a), challenging several conditions of the permit. See generally Petition for Review (filed Oct. 24, 2005).

a report regarding the status of the permit modification on or before October 12, 2007, and scheduled a status conference for October 18, 2007, in the event that the parties did not reach complete resolution of this matter by that time.

On October 12, 2007, the Board received a Status Report and Motion to Extend Stay of Proceedings ("Status Report and Motion") from the Region. Although this motion was submitted by the Region, the Region states that it consulted with Petitioner (Wausau Papers of New Hampshire, Inc.) regarding the motion and that counsel for Petitioner reviewed and approved the status Report and motion. Status Report and Motion at 1, 4.

In this motion the Region requests that the Board extend the stay of proceedings until November 15, 2007. Throughout the entire period in which this petition has been stayed, the parties have represented that they have been actively working toward the resolution of this matter via permit modification. Indeed, the parties have already reached resolution with respect to three of the issues raised in the petition throughout a permit modification completed on May 9, 2007. The parties, however, are still working to resolve the remaining two issues. In its previous motion to stay, the Region reported that it was in the process of finalizing the draft permit modification regarding the remaining issues, and that it intended to submit a draft for public comment in late July 2007. Additional time was necessary, the Region explained, to continue developing the second permit modification.

In its current status report and motion to further stay the proceedings, the Region represents that a draft permit pertaining to the remaining two challenged permit conditions was issued for public comment on August 16, 2007, that during the 30-day public comment period, Petitioner, the National Marine Fisheries Service and the New Hampshire Fish and Game Department submitted written comments, and that the Region is currently in the process of responding to those comments. The Region requests additional time to finish the response to public comments and to process and formally issue the final permit modification.

Upon consideration of the foregoing and for good cause shown, the current motion is granted. Accordingly, the above-captioned matter is hereby stayed until November 15, 2007, pending the outcome of the permit modification process. On or before November 15, 2007, the parties shall submit a report regarding the status of the permit modification which shall include a discussion of whether it is appropriate to continue the stay, dismiss the petition, or establish a schedule for the Region to file a response to the petition. In addition, based on these representations, the status conference for October 18, 2007, is hereby canceled.

So ordered.

ENVIRONMENTAL APPEALS BOARD

By: \_\_\_\_\_



Anna L. Wolgast

Environmental Appeals Judge

Dated: Oct. 12, 2007

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing Order Staying Proceedings and Canceling Status Conference in the matter of Wausau Papers of New Hampshire, Inc., NPDES Appeal No. 05-15, were sent to the following persons in the manner indicated:

Via facsimile (on Oct.12, 2007)

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And also by First Class Mail Postage Prepaid.

Dated: 10/12/07

  
Annette Duncan  
Secretary