



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

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| In re City of Manchester   | ) | NPDES Appeal No. 25-05 |
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| NPDES Permit No. NH0100447 | ) |                        |
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**ORDER STAYING PROCEEDINGS AND TO SHOW CAUSE**

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Issued August 27, 2026  
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***Per Curiam:***

Region 1 of the United States Environmental Protection Agency filed a motion requesting an extension of the stay of the above-captioned matter for an additional thirty-one days. Motion for an Extension of the Stay of the Proceedings (Aug. 20, 2026) (“Motion”). The Board initially stayed the matter to allow the City of Manchester and the Region to explore settlement negotiations and subsequently extended the stay through August 21, 2026, based upon the parties’ representations that they had reached a tentative agreement and were working to complete the agreement. Fourth Order Extending Stay of Proceedings (June 16, 2026). On August 12, 2026, the Board issued a decision on Conservation Law Foundation’s (“CLF’s”) separate petition for review of the permit at issue in this matter. *In re City of Manchester*, NPDES Appeal No. 25-04, slip op. at 1 (EAB Aug. 12, 2026), 19 E.A.D. \_\_\_\_\_. The Board denied CLF’s petition for review in part and remanded the permitting decision in part to the Region. *Id.*,

slip op. at 32, 19 E.A.D. at \_\_\_\_.

In support of its Motion, the Region states that the Region and EPA Headquarters are reviewing the Board's decision on CLF's appeal to evaluate any implications for the settlement of the City's appeal. Motion at 3. The Region further states that certain staff and decision-makers have been unavailable since the Board's decision was issued and will continue to be unavailable in the coming weeks. *Id.* at 3-4. The Region indicates that the City's counsel assents to the Motion. *Id.* at 4.

Based on the representations in the Motion, the Board **GRANTS** the requested stay. The case is stayed until **Monday, September 21, 2026**. *See* 40 C.F.R. § 124.19(n). If the parties complete the settlement agreement, the City shall file a motion to dismiss the petition for review in accordance with 40 C.F.R. § 124.19(k). If the parties do not seek a complete dismissal of the case prior to the expiration of the stay, the parties are ordered to show cause as to why the Board should not dismiss this case without prejudice given the Board's remand of the permitting decision to the Region. The response or responses to the order to show cause must be filed no later than **Friday, September 25, 2026**.

So ordered.

## **CERTIFICATE OF SERVICE**

I certify that copies of the foregoing *Order Staying Proceedings and to Show Cause* in the matter of City of Manchester, NPDES Appeal No. 25-05, were sent to the following persons on August 27, 2026 in the manner indicated:

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Tommie Madison  
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