

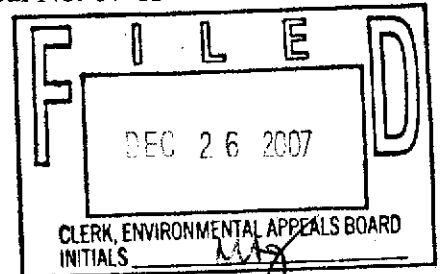
**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

In re:

City of Portsmouth, New Hampshire
Peirce Island Wastewater Treatment Facility
and Combined Sewer Overflows

NPDES Permit No. NH0100234

NPDES Appeal No. 07-13



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

On December 21, 2007, Region 1 of the U.S. Environmental Protection Agency filed a status report and motion to extend the existing stay of proceedings in the above-captioned matter for an extra few weeks, until January 18, 2008. The Region reports that the parties to this litigation have reached an agreement in principle on all issues raised on appeal. According to the Region, petitioner Conservation Law Foundation ("CLF") has indicated that, upon the signing of the settlement agreement by permittee City of Portsmouth's City Council (expected on or about January 14, 2008), CLF will move to dismiss its petition for review no later than January 18, 2008. The Region notes that, in these circumstances, both CLF and the City have assented to the granting of the pending motion.

For good cause shown, the Region's motion for a fifth stay of proceedings, until **Friday, January 18, 2008**, is hereby **GRANTED**.

So ordered.

Dated: December 26, 2007

ENVIRONMENTAL APPEALS BOARD

By:

for Scott C. Fulton
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Motion for Fifth 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:

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Dated: DEC 26 2007


Annette Duncan
Secretary