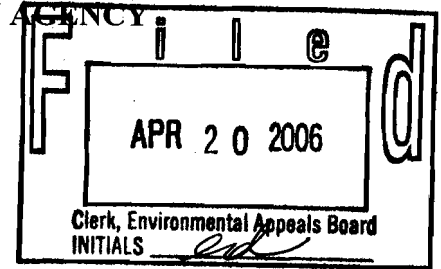


**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**



In re:)
)
)

Wausau Papers of New Hampshire,)
Inc.)
Permit No. NH0001562)
_____)

NPDES Appeal No. 05-15

ORDER CONTINUING STAY

By order issued November 28, 2005, the Environmental Appeals Board ("Board") granted the joint motion of the United States Environmental Protection Agency Region 1 ("Region") and Wausau Papers of New Hampshire, Inc. ("Wausau" or "Petitioner") requesting a stay of the proceedings in this National Pollutant Discharge Elimination System ("NPDES") permit matter.¹ See Order Granting Stay at 2. The case was stayed until April 14, 2006, pending the outcome of the permit modification process which the parties were planning to initiate. *Id.* at 2-3; see Joint Motion for Stay of the Proceedings at 2. In its Order Granting Stay, the Board also required the parties to submit a report regarding the status of the permit modification on or before April 14, 2006. Order Granting Stay at 3.

¹ On September 14, 2005, the Region reissued an NPDES permit, No. NH0001562, to Wausau under the Clean Water Act ("CWA"), 33 U.S.C. §§ 1251-1387, which authorized Petitioner to discharge wastewater and storm water from its manufacturing plant in Groveton, New Hampshire. Wausau thereafter filed this appeal pursuant to 40 C.F.R. § 124.19(a), challenging several conditions of the permit. See *generally* Petition for Review (filed October 24, 2005).

On April 13, 2006, 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 regarding the motion and that counsel for Petitioner reviewed and approved it. Status Report and Motion at 2-3.

The Region reports that during the period of the initial stay, Petitioner filed a permit modification request. *Id.* at 2. The Region thereafter developed a draft of a permit modification in consultation with Petitioner and the New Hampshire Department of Environmental Services. *Id.* According to the Region, “Petitioner has indicated its tentative acceptance of most of these terms.” *Id.* The Region believes that, if implemented, the proposed modifications may resolve some or all of the issues raised in the Petition. *Id.* The Region therefore requests the stay be continued until July 13, 2006, to allow the Region time to continue the process of modifying the permit. *Id.* This process will include issuing a Notice of Uncontested and Severable Conditions pursuant to 40 C.F.R. § 124.16(a)(2)(ii), proposing the draft permit modification for public comment, and reviewing and responding to those comments received. *Id.*

Upon consideration of the foregoing and for good cause shown, the current motion is GRANTED. Accordingly, the above-captioned matter is hereby STAYED until July 13, 2006, pending the outcome of the permit modification process. On or before July 13, 2006, 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.

So ordered.

ENVIRONMENTAL APPEALS BOARD

By: Scott C. Fulton
Scott C. Fulton
Environmental Appeals Judge

Dated: April 19, 2006

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Continuing Stay 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:

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Dated: **APR 20 2006**


Annette Duncan
Secretary