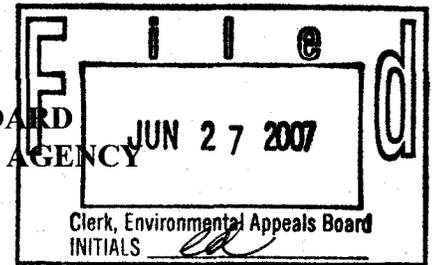


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
)
)
City of Portsmouth, New Hampshire) NPDES Appeal No. 07-13
Peirce Island Wastewater Treatment Facility)
and Combined Sewer Overflows)
)
NPDES Permit No. NH0100234)
)
)

**ORDER GRANTING MOTION
TO STAY PROCEEDINGS AND
GRANTING PERMISSION TO INTERVENE**

On June 18, 2007, Region I of the U.S. Environmental Protection Agency filed a motion to stay the proceedings in the above-captioned matter. The Region reports that it intends to enter into settlement negotiations with the Conservation Law Foundation ("CLF"), petitioner, in an effort to resolve some or all of the issues raised in the petition without resort to litigation. The Region requests a sixty-day stay of proceedings before the Environmental Appeals Board, until August 31, 2007, by which date the parties would submit a status report advising the Board whether they wish to continue the stay, dismiss the petition, or establish a schedule for EPA's response to the petition. The Region reports that CLF has assented to the granting of this motion.

In addition, on June 20, 2007, the City of Portsmouth, the permit holder, filed a letter notifying the Board of its desire to participate in this proceeding as a party. As a matter of practice, the Board generally recognizes that a permit holder has an interest in maintaining its permit and that its ability to do so may be affected by the disposition of appeal proceedings such as these, which can justify the permit holder's participation in the proceedings.

For good cause shown, the Region's motion for a stay of proceedings is hereby **GRANTED**, and the City's request to intervene as a party is also **GRANTED**. The parties are directed to provide the Board with a report, on or before **Tuesday, August 31, 2007**, describing the status of settlement negotiations in this case and suggesting a future course of action.

So ordered.

Dated: June 27, 2007

ENVIRONMENTAL APPEALS BOARD

By: Anna L. Holbert
Scott C. Fulton
for Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Motion for Stay of Proceedings and Granting Permission to Intervene 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:

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Dated: JUN 27 2007



Annette Duncan
Secretary