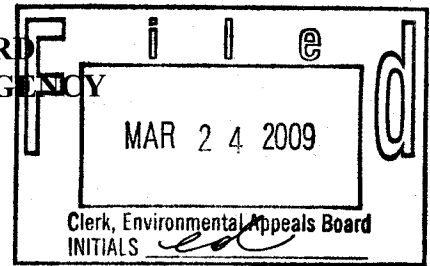


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY



In re:

City of Manchester, N.H.

NPDES Permit No. NH0100447

NPDES Appeal No. 08 – 21

ORDER GRANTING MOTION TO EXTEND STAY OF PROCEEDINGS

On September 25, 2008, the United States Environmental Protection Agency, Region 1 (“Region”) reissued National Pollutant Discharge Elimination System (“NPDES”) Permit No. NH0100447 (“Permit”) to Petitioner, the City of Manchester, New Hampshire (“City”). The City filed a Petition for Review on October 24, 2008, challenging the aluminum limit, the 7Q10 methodology used to calculate (low) flow, and the stated frequency of sludge testing contained within the Permit. Petition at 2. On November 26, 2008, the parties requested by joint motion a stay of the proceedings to allow them to enter into settlement negotiations. The Environmental Appeals Board (“Board”) granted the motion to stay proceedings in the above-captioned matter on December 3, 2008. Order Granting Joint Motion to Stay Proceedings at 2. The Board ordered the parties to submit a report no later than March 18, 2009, updating the Board on the status of the permit modification negotiations, including a discussion of whether it is appropriate to continue the stay, dismiss the petition, or to establish a schedule for the Region to file a response to the petition. *Id.*

With the assent of the City, the Region filed a Status Report and Motion to Extend Stay of Proceedings (“Motion”) on March 16, 2009, proposing a two-month extension of the stay until

May 20, 2009. Motion at 2-3. The Region avers that the parties, in conjunction with the New Hampshire Department of Environmental Services, have made substantial progress with respect to the aluminum limit, and that while settlement is likely, they need more time to come to a final agreement with respect to all of the contested permit provisions. *Id.* at 2. The Region also claims that the complex technical issues pertaining to aluminum sampling in the receiving water body, the conservation of administrative and judicial resources, and the enhancement of efficiency and judicial economy make the extension of the stay of proceedings reasonable and necessary. *Id.*

For the reasons outlined above, the motion is GRANTED. Accordingly, the above-captioned matter is hereby STAYED until May 20, 2009. The parties are ordered to submit another status report no later than May 20, 2009, regarding the status of their permit modification negotiations, which shall include a discussion of whether the Board should further extend the stay, dismiss the petition, or establish a schedule for the Region to respond to the petition.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: _____

March 24, 2009

By: _____

Richard A. Stan for Anna L. Wolgast

Anna L. Wolgast
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Motion to Extend Stay of Proceedings in the matter of City of Manchester, N.H., NPDES Appeal No. 08-21, were sent to the following persons in the manner indicated:

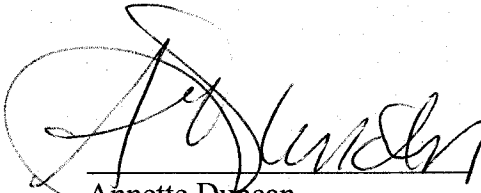
By Pouch Mail and FAX:

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Dated: MAR 24 2009


Annette Duncan
Secretary