WHATED STARES UN

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION I

ONE CONGRESS STREET SUITE 1100 BOSTON, MASSACHUSETTS 02114-2023

VIA FIRST CLASS MAIL

Eurika Durr, Clerk of the Board Environmental Appeals Board (MC 1103B) U.S. Environmental Protection Agency Ariel Rios Building 1200 Pennsylvania Avenue, N.W. Washington, D.C. 20460-0001

Re: NPDES Appeal No. 08-21

NPDES Permit No. NH0100447 City of Manchester, New Hampshire

November 26, 2008

Dear Ms. Durr,

cc:

Enclosed please find the original of the parties' Joint Motion to Stay Proceedings in the above-captioned case, with an attached certificate of service. The motion and the certificate of service have also been mailed to the Board and to the petitioner today. In lieu of five additional paper copies for the Board, an electronic copy has been posted to the CDX system.

Sincerely,

Ronald A. Fein, Assistant Regional Counsel
U.S. Environmental Protection Agency Region 1

One Congress Street, Suite 1100 (RAA)

Boston, MA 02114

617-918-1040

Fax: 617-918-0040

Frederick J. McNeill, P.E., City of Manchester

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

In re:	City of Manchester, New Hampshire))	NPDES Appeal No. 08-21
	NPDES Permit No. NH0100447)	

JOINT MOTION TO STAY PROCEEDINGS

Region 1 ("Region") of the United States Environmental Protection Agency (the Respondent) and the City of Manchester, New Hampshire (the permittee and Petitioner) respectfully request that the Environmental Appeals Board ("Board") stay the proceedings in the above-captioned matter until March 18, 2009, to allow the parties to undertake settlement negotiations.

BACKGROUND

The Region reissued NPDES Permit No. NH0100447 ("Permit") to Petitioner on September 25, 2008. On October 24, 2008, Petitioner filed a petition for review with the Board contesting certain conditions of the Permit. By letter dated October 28, 2008, the Board directed the Region to prepare a response that addresses Petitioner's contentions and whether Petitioner has satisfied the requirements for obtaining review.

Upon consideration of the permitting documents and the petition for review, the parties believe that resolution of some or all of the issues in this appeal is possible and have agreed to enter into settlement discussions.

In re City of Manchester, New.Hampshire NPDES Appeal No. 08-21

REQUESTED RELIEF AND GROUNDS FOR SUCH RELIEF

The parties request that the Board rescind the December 15, 2008 deadline for filing of the Region's response to the petition for review and stay the proceedings by approximately three months, until March 18, 2009. The parties propose to submit a status report no later than March 18, 2009, advising whether the Board should further extend the stay, establish a revised schedule for the litigation, or take other appropriate action.

An extension of this length is reasonable and necessary given the need to develop technical information to resolve the issues presented, the need to schedule discussions between personnel from the Region and Petitioner (including during the traditional holiday months of November and December), and the need to consult with external parties, such as the New Hampshire Department of Environmental Services.

If a stay is not granted, the parties will be forced to divert their time and effort to the proceedings before this Board, when there is a substantial possibility that all or some of the issues raised in the petition for review may be resolved through settlement discussions. Accordingly, in an effort to conserve administrative and judicial resources, and to encourage efficiency and promote judicial economy, the parties jointly request that the Board grant this motion.

Respectfully submitted,

Ronald A. Fein, Assistant Regional Counsel U.S. Environmental Protection Agency,

Region 1

One Congress Street, Suite 1100 (RAA)

Boston, MA 02114

617-918-1040

Fax: 617-918-0040

Date: November 26, 2008

Frederick J. McNeill, P.E.

Chief Engineer

City of Manchester, Highway Department

Environmental Protection Division

300 Winston Street

Manchester, NH 03103

Date: November 26, 2008

CERTIFICATE OF SERVICE

I, Ronald Fein	_, hereby certify that copies of the foregoing Joint Motion
to Stay Proceedings were sent or	the 26th day of November 2008 to the following persons
in the manner described below:	

Original by first class mail Copy posted to CDX electronic system

Eurika Durr, Clerk of the Board Environmental Appeals Board (MC 1103B) U.S. Environmental Protection Agency Ariel Rios Building 1200 Pennsylvania Avenue, N.W. Washington, D.C. 20460-0001

Copy by first class mail

Frederick J. McNeill, P.E. Chief Engineer City of Manchester, Highway Department Environmental Protection Division 300 Winston Street Manchester, NH 03103

Signed: November 26, 2008