



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,

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,

A handwritten signature in black ink, appearing to read "R. Fein", is written over the typed name.

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

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

In re: City of Manchester, New Hampshire
NPDES Permit No. NH0100447

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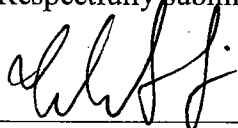
REQUESTED RELIEF AND GROUNDS FOR SUCH RELIEF

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.

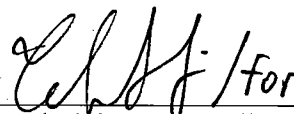
An extension of this length is reasonable and necessary given the need to develop technical information to resolve the issues presented, the need to schedule discussions between personnel from the Region and Petitioner (including during the traditional holiday months of November and December), and the 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 on 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