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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

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BOSTON, MASSACHUSETTS 02114-2023

2006 JUL 11 PM 2:30

ENVIR. APPEALS BOARD

VIA FAX

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

Fax (202) 233-0121

Re: NPDES Appeal No. 05-15
NPDES Permit NH0001562
Wausau Papers of New Hampshire, Inc. (Groveton, New Hampshire)

July 11, 2006

Dear Ms. Durr,

Enclosed please find a Status Report and Motion to Extend Stay of Proceedings in the above-captioned case, as well as a certificate of service. The original and five copies have been sent today via first class mail.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Fein".

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: William E. Taylor, Esq., Pierce Atwood LLP

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

JUL 11 PM 2:30
ENVIR. APPEALS BOARD

In re:

Wausau Papers of New Hampshire, Inc.
Groveton, New Hampshire

NPDES Appeal No. 05-15

STATUS REPORT AND MOTION TO EXTEND STAY OF PROCEEDINGS

The New England Region of the Environmental Protection Agency ("Region"), after consultation with permittee-petitioner Wausau Papers of New Hampshire, Inc. ("Petitioner"), hereby submits this status report and moves to extend the stay of proceedings by an additional 120 days.

BACKGROUND

On September 20, 2005, the Region reissued a National Pollutant Discharge Elimination System Permit, No. NH0001562 ("Permit"), to Petitioner. On October 21, 2005, Petitioner filed, pursuant to 40 C.F.R. § 124.19(a), a Petition for Review ("Petition") of the Permit. On October 27, 2005, the Board directed the Region to submit a response by December 14, 2005. On November 25, 2005, the Company and the Region jointly moved to stay the proceedings until April 14, 2006 in order to allow the parties to try to resolve the issues on appeal via settlement negotiations and a permit modification. On November 28, 2005, the Board issued an order staying the proceedings in this matter until April 14, 2006, and directing the parties to submit, by April 14, 2006, a status report advising the Board 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. On April 13, 2006, the Region filed an assented-to status report and requested an additional stay of

proceedings until July 13, 2006, in order to attempt to resolve the issues in the Petition by permit modification. On April 18, 2006, the Region issued a Notice of Uncontested and Severable Conditions pursuant to 40 C.F.R. § 124.16(a)(2)(ii), making fully effective those conditions of the Permit not challenged in the Petition. On April 20, 2006, the Board issued an order staying the proceedings in this matter until July 13, 2006, and requiring the Region to submit, on or before that date, a status report advising the Board 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.

STATUS REPORT

The Region and Petitioner have made substantial progress in the last three months, but require additional time. After the issuance of the Board's April 20, 2006 order, the Region and Petitioner tentatively agreed on a draft permit modification that would resolve all the issues presented in the Petition. However, consultations with state and federal wildlife agencies have required the Region to reassess its approach to two of the four issues under discussion. The Region is now working diligently to formulate a revised draft permit modification that would satisfy the concerns of the state and federal wildlife agencies and which the Region will then present to Petitioner for review and comment.

GROUND FOR CONTINUANCE OF STAY

In light of the above progress, and in the interests of judicial economy and to conserve resources, the Region requests that these proceedings be stayed for an additional 120 days, in order to allow the Region sufficient time to: (1) develop a revised draft permit modification with respect to the two remaining issues, (2) consult with state and federal wildlife agencies regarding this revision, (3) allow Petitioner an opportunity to review and comment upon the draft permit modification; (4) make any necessary revisions; (5) propose the draft permit modification for

public comment; (6) receive, review, and respond to public comments; and (7) issue a final permit modification.

Absent a continuance of the stay, the parties will be required to divert their time and effort from an ongoing permit modification process to litigation before the Board.

REQUESTED RELIEF

Accordingly, the Region requests that the Board extend the stay of proceedings until November 10, 2006. The Region represents that its undersigned counsel has discussed this motion with Petitioner's counsel, that Petitioner's counsel has reviewed and approved this status report and motion, and that Petitioner, through counsel, concurs in this status report and assents to the motion to extend the stay of proceedings.

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: July 11, 2006

In re: Wausau Papers of New Hampshire, Inc. (Groveton, New Hampshire)
NPDES Appeal No. 05-15

CERTIFICATE OF SERVICE

I, Sally Burt, hereby certify that copies of the foregoing Status Report and Motion to Extend Stay of Proceedings were sent by both facsimile and first class mail on this 11th day of July 2006 to the following persons:

Copy by facsimile
Original and five copies by first class mail

Eurika Durr, Clerk of the Board
Environmental Appeals Board (MC 1103B)
U.S. Environmental Protection Agency
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Fax (207) 791-1350

Dated: July 11, 2006

