

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

In the Matter of:)	
)	
City of Portsmouth, New Hampshire)	
)	NPDES Appeal No. 22-02
NPDES Permit No. NH0109000)	
)	

NOTICE OF WITHDRAWAL OF PETITION FOR REVIEW

Petitioner City of Portsmouth, New Hampshire (“the City”) hereby provides notice to the Environmental Appeals Board of its voluntary withdrawal of its September 7, 2022 Petition for Review in NPDES Permit Appeal No. 22-02.

As described in the January 27, 2023 Joint Motion for Extension of Stay, the City and the Environmental Protection Agency (“EPA”) (collectively, “the Parties”) reached an agreement through the Environmental Appeals Board’s (“EAB”) Alternative Dispute Resolution process. Under this agreement, EPA agreed to withdraw the daily concentration and mass-based limits for total suspended solids (“TSS”) and biological oxygen demand (“BOD”) at Part I.A.1 of the City’s Permit, and pursuant to 40 C.F.R. § 124.6, EPA agreed to issue a new proposal for public comment regarding only the removal of those permit provisions. Upon EPA’s publication of these draft permit provisions, the City agreed to withdraw its permit appeal before the EAB within 10 days of publication.

On April 27, 2023, in compliance with the Parties’ agreement, EPA published for public comment a revised draft permit which proposes to remove the daily maximum limits for BOD and TSS from the City’s Permit. Accordingly, and pursuant to the Parties’

agreement, the City provides notice to the EAB that it is withdrawing its Petition for Review in NPDES Permit Appeal No. 22-02.

Date: May 5, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on this 5th day of May, 2023, a true and correct copy of the foregoing Notice of Withdrawal of Petition for Review was sent to the following persons in the manner specified:

By Electronic Filing:

Mr. Emilio Cortes
Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1201 Constitution Avenue, NW
U.S. EPA East Building, Room 3332
Washington, DC 20004

By E-mail:

Mr. Michael Knapp
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