



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
ONE CONGRESS STREET SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

VIA FAX AND 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. 05-15
NPDES Permit NH0001562
Wausau Papers of New Hampshire, Inc. (Groveton, New Hampshire)

November 14, 2007

Dear Ms. Durr,

Attached is the parties' joint Status Report and Motion to Dismiss Petition in the above-captioned matter, and a certificate of service. In lieu of five additional paper copies, I have posted electronic copies of each document to the CDX system. Thank you.

Sincerely,

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

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

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

In re:)
)
)

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

NPDES Appeal No. 05-15

JOINT STATUS REPORT AND MOTION TO DISMISS PETITION

The New England Region of the Environmental Protection Agency (“Region”) and permittee-petitioner Wausau Paper Printing & Writing, LLC¹ (“Petitioner”) hereby jointly submits this status report and motion to dismiss the petition for review in this matter.

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.

Since the filing of the Petition, the parties have moved for, and the Board has granted, a series of orders staying the proceedings while the parties engaged in settlement

¹ The permittee and petitioner of record was originally Wausau Papers of New Hampshire, Inc., but has since changed to Wausau Paper Printing & Writing, LLC. This change has been reflected in appropriate permit modifications. For convenience, the Region continues to use the original caption for this proceeding.

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

discussions. The last such order, dated October 12, 2007, stayed the proceedings in this matter until November 15, 2007, and required the parties to submit, on or before that date, a status report advising the Board whether it would be appropriate to continue the stay, dismiss the Petition, or establish a schedule for the Region to file a response to the Petition.


STATUS REPORT

On November 8, 2007, the Region issued a final NPDES permit modification that revised the Permit's conditions regarding temperature and cooling water intake structures. This permit modification rendered moot, and resolved to Petitioner's satisfaction, the challenges to these conditions that were raised in the Petition. Petitioner has elected not to file a petition for review of the November 8, 2007 Permit modification, nor to pursue further review of any aspect of the Permit. Petitioner has therefore decided to voluntarily withdraw its appeal.

REQUESTED RELIEF

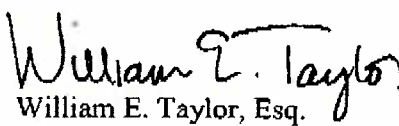
The Region and Petitioners jointly and respectfully request that the Petition for Review be dismissed with prejudice because the issues raised in the Petition have now all been resolved by permit modification.

FOR THE REGION


Ronald A. Fein, Assistant Regional Counsel
U.S. EPA Region 1
One Congress Street, Suite 1100 (RAA)
Boston, MA 02114

Dated: November 14, 2007

FOR PETITIONER


William E. Taylor, Esq.
Pierce Atwood LLP
One Monument Square
Portland, ME 04101

Dated: November 14, 2007

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Status Report and Motion to Dismiss Petition were sent to the following persons in the manner described below:

Copy by facsimile
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
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1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

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Fax (207) 791-1350

Dated: November 14, 2007