



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 1
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BOSTON, MA 02114-2023

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Date: December 20, 2007

To: Eurika Durr, Clerk of the Board, EPA Environmental Appeals Board

Fax: 202-233-0121

Ph: 202-233-0122

To: Thomas Irwin, Esq., CLF

Fax: 603-225-3059

Ph: 603-225-3060

To: E. Tupper Kinder, Nelson, Kinder, Mosseau & Saturley

Fax: 603-647-1900

Ph: 603-647-1800

From: Ann Williams, Office of Regional Counsel

Fax: 617-918-0097

Ph: 617-918-1097

Number of pages including cover:

Message: Enclosed please find the Status Report and Motion to Extend the Stay of Proceedings in the matter of City of Portsmouth Peirce Island Wastewater Treatment Facility and Combined Sewer Overflows, NPDES Appeal Number 07-13, with accompanying Certificate of Service and Transmittal Letter.



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

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ENVIR. APPEALS BOARD

December 20, 2007

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

Re: City of Portsmouth Peirce Island Wastewater Treatment Facility
and Combined Sewer Overflows
NPDES Appeal Number 07-13

Dear Ms. Durr:

Enclosed please find one original and five copies of the Status Report and Motion to Extend the Stay of Proceedings in the above referenced NPDES permit appeal.

Thank you for your attention to this matter.

Sincerely,

Ann H. Williams

Ann H. Williams
Senior Assistant Regional Counsel

Enclosures

cc: Thomas F. Irwin, Esq.
E. Tupper Kinder, Esq.

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P
J

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

ENVIR. APPEALS BOARD

2007 DEC 21 PM 12:23

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In the Matter of:)

City of Portsmouth, New Hampshire)
Peirce Island Wastewater Treatment Facility)
and Combined Sewer Overflows)

NPDES Appeal No. 07-13

NPDES Permit No. NH0100234)

STATUS REPORT AND MOTION TO EXTEND THE STAY OF PROCEEDINGS

Region 1 of the Environmental Protection Agency ("EPA" or the "Region"), Respondent, respectfully submits to the Environmental Appeals Board ("Board") this status report and motion to extend the stay of proceedings related to the petition for review filed by the Conservation Law Foundation ("CLF") in the above-referenced appeal. The parties have reached an agreement in principle on all issues raised by the appeal. However, as explained below, a brief additional stay of the proceedings is necessary to enable the City of Portsmouth ("City") to obtain approval of the agreement from the City Council. Counsel for CLF and the City have assented to this motion.

On December 3, 2007, the Board granted the Region's fourth request for a stay of proceedings based on the parties' having reached an agreement in principle on one issue and their ongoing negotiations to resolve the remaining issues. The Board ordered the parties to provide, on or before December 21, 2007, a report describing the status of settlement negotiations and suggesting a future course of action.

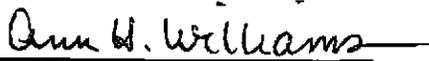
Page 2 of 2

Since the date of the last status report, the parties have reached an agreement in principle on all issues raised by the appeal. The City's counsel has informed the Region that City representatives will present the agreement to the City Council for final authorization on January 14, 2008. CLF's counsel has informed the Region that upon signature of the agreement by the City, it will move to dismiss the petition for review no later than January 18, 2008.

The Region, with the assent of counsel for CLF and the City, requests an extension of the stay of proceedings until January 18, 2008 to provide time for the City to obtain final approval of the agreement and for CLF to file its motion to dismiss.

Respectfully submitted,

United States EPA/Region I



Ann H. Williams

Senior Assistant Regional Counsel

U.S. Environmental Protection Agency, Region 1 (RAA)

One Congress St. - Suite 1100

Boston, MA 02114-2023

Phone: (617) 918-1097

Fax: (617) 918-0097

Dated: December 20, 2007

In re: City of Portsmouth Peirce Island Wastewater Treatment Facility
and Combined Sewer Overflows
NPDES Appeal Number 07-13

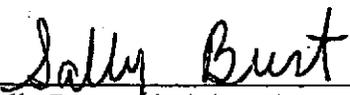
CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing Status Report and Motion to Extend the Stay of Proceedings in the above-captioned matter by facsimile and by mailing one original and five copies by First Class Mail on this 20 day of December, 2007 to the Environmental Appeals Board (MC 1103B), Ariel Rios Building, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460-0001; and that a true copy of the foregoing was sent by facsimile and by First Class Mail, postage prepaid, to:

Thomas F. Irwin, Esq.
Conservation Law Foundation
27 North Main Street
Concord, NH 03301

E. Tupper Kinder, Esq.
Nelson, Kinder, Mosseau & Saturley, P.C.
99 Middle Street
Manchester, NH 03101

Date: December 20, 2007


Sally Burt, Administrative Assistant
US EPA Region 1 (RAA)
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