



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

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)

April 13, 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. A. 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

ENVIR. APPEALS BOARD

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

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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 ninety 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.

STATUS REPORT

Since the issuance of the stay, Petitioner has filed a permit modification request with the Region. The Region has consulted with both Petitioner and the New Hampshire Department of Environmental Services ("NHDES"), and has developed a draft of a permit modification that may resolve some or all of the issues in the Petition. The Region has communicated to Petitioner the principal terms of this draft modification, and Petitioner has indicated its tentative acceptance of most of these terms.

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 ninety days, in order to allow the Region sufficient time to: (1) issue 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; (2) allow Petitioner an opportunity to review and comment upon the draft permit modification; (3) make any necessary revisions; (4) propose the draft permit modification for public comment; (5) receive, review, and respond to public comments; and (6) 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 July 13, 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,

A handwritten signature in black ink, appearing to read 'R. Fein', is positioned above 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

Date: April 13, 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 13th day of April 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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1200 Pennsylvania Avenue, N.W.
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Fax (202) 233-0121

Copy by facsimile
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One Monument Square
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Fax (207) 791-1350

Dated: April 13, 2006

