



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

ENVIR. APPEALS BOARD

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**VIA OVERNIGHT DELIVERY**

Eurika Durr, Clerk of the Board, Environmental Appeals Board (MC 1103B)  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue NW  
Washington, D.C. 20460-0001

Re: NPDES Appeal No. 05-14  
NPDES Permit No. MA0005282  
Texon USA  
Russell, Massachusetts

Date: November 2, 2005

Dear Ms. Durr,

Enclosed please find an original and five copies of the Agency's assented-to Motion for Extension of Time in the above-captioned case.

Sincerely,

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

Ronald A. Fein, Assistant Regional Counsel  
U.S. Environmental Protection Agency Region I  
One Congress Street, Suite 1100 (RAA)  
Boston, MA 02114  
617-918-1040  
Fax: 617-918-0040

cc: Jeffrey P. Bibeau, Tighe & Bond, Inc.  
Mark S. Stupak, Texon USA

In re: Texon USA (Russell, Massachusetts)

NPDES Appeal No. 05-14

CERTIFICATE OF SERVICE

I, Sally Burt, hereby certify that one original and five copies of the foregoing Joint Motion were mailed by First Class Mail on this 2<sup>nd</sup> day of November, 2005 to the Environmental Appeals Board 1103B, Ariel Rios Building, 1200 Pennsylvania Avenue NW, Washington, DC 20460, and that copies of the foregoing were sent by First Class Mail, postage prepaid, to the following persons:

Jeffrey P. Bibeau, Project Manager, Industrial Services Group  
Tighe & Bond, Inc.  
53 Southampton Road  
Westfield, MA 01085

Mark S. Stupak, General Manager  
Texon USA  
1190 Huntington Road  
P.O. Box 365  
Russell, MA 02114-2023

Dated: November 2, 2005

Sally A. Burt

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

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In re: )  
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Texon USA )  
Russell, Massachusetts )  
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NPDES Appeal No. 05-14

**MOTION FOR EXTENSION OF TIME**

The New England Region of the Environmental Protection Agency ("the Region") requests that the Environmental Appeals Board ("EAB") grant a sixty day extension of time to file the Region's response to the Petition for Review filed on behalf of Texon USA ("the Petitioner") in the above-captioned matter. The Region seeks this additional time because the parties have entered into settlement negotiations and may be able to resolve the issues raised in the petition through a permit modification.

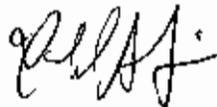
On September 9, 2005, EPA reissued a National Pollutant Discharge Elimination System Permit, No. MA0005282 ("Permit"), to the Petitioner. On October 6, 2005, the Petitioner timely filed a petition for review with the EAB contesting a single condition in the Permit. On October 14, 2005, the EAB directed the Region to submit a response by November 30, 2005 to address whether the Petitioner has satisfied the requirements for obtaining review under 40 C.F.R. § 124.19(a).

The Region and the Petitioner have begun settlement discussions with respect to the contested condition. The Region's counsel believes that a sixty day extension will allow the parties adequate time to negotiate a settlement or, if the negotiations are not

fruitful, will allow the Region to provide an adequate response to the petition without prejudice to Petitioner. The Region represents that its undersigned counsel has discussed this motion with Petitioner's authorized representative and that Petitioner assents to the motion.

For the reasons set forth above, the Region respectfully requests that the EAB extend the deadline for the Region's response to the Petition to January 30, 2006.

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: November 2, 2005