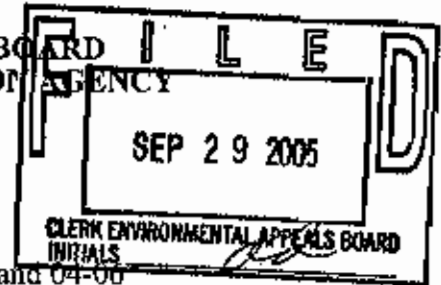


BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.



In re: \_\_\_\_\_  
City of Newburyport, Wastewater  
Treatment Facility

NPDES Appeal Nos. 04-05 and 04-06

ORDER

By order dated May 16, 2005, the Board, at the request of U.S. EPA Region I (the "Region") and the City of Newburyport (the "City"), stayed consideration of the petition for review filed by the City in this matter (NPDES Appeal No. 04-05) until September 30, 2005. The Board granted this stay based on the representations of the Region and the City that they had reached a settlement agreement but were unable to finalize the agreement until they knew the outcome of a second petition for review filed by the Island Futures Group ("IFG") (designated as NPDES Appeal No. 04-06).<sup>1</sup>

Because the Board has not yet reached a decision on IFG's petition for review, the Board has decided to extend the stay of the City's petition until November 30, 2005.

So ordered.

Dated: *Sept 29, 2005*

ENVIRONMENTAL APPEALS BOARD

By: *Kathie A. Stein*  
Kathie A. Stein  
Environmental Appeals Judge

<sup>1</sup> The Board's May 16 Order also stayed consideration of IFG's petition for review while the parties engaged in settlement negotiations. The stay of IFG's petition was to expire on September 30, 2005 as well, or until the Region or IFG notified the Board that they were no longer pursuing settlement. By filings received on June 7, 2005, the Region and IFG both informed the Board that settlement discussions had been unsuccessful. The Board therefore has resumed consideration of IFG's petition.

## CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing Order in the matter of City of Newburyport, Wastewater Treatment Facility, NDPEs Appeal No. 04-05 and 04-06, were sent to the following persons in the manner indicated:

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Dated: **SEP 29 2005**

  
Annette Duncan  
Secretary