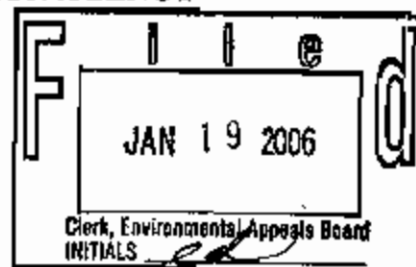


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:

City of Newburyport, Wastewater
Treatment Facility

NPDES Permit No. MA-0101427

NPDES Appeal No. 04-05

ORDER EXTENDING STAY

By order dated November 28, 2005, the Board extended the stay of the petition for review filed by the City of Newburyport (the "City") in the above-captioned matter based on the representations of U.S. EPA Region 1 (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 (designated as NPDES Appeal No. 04-06).

On December 8, 2005, the Board issued an Order Denying Review in Part and Remanding in Part in NPDES Appeal No. 04-06 ("Dec. 8 Order"). In light of the Dec. 8 Order, the Board lifted the stay in this matter and ordered the parties to advise the Board no later than January 13, 2005, whether they planned to finalize their settlement agreement in NPDES Appeal No. 04-05, and whether the City planned to withdraw its Petition for Review with the Board.

In a Status Report filed¹ with the Board on January 12, 2006, the Region, with the City's assent, requests that the stay in this matter be extended. Status Report Responding to Order Lifting

¹ Documents are "filed" with the Board on the date they are *received*.

Stay (Jan. 12, 2006) ("Status Report"). In support of this request the Region states that it intends to issue for public comment a permit modification in response to the Board's Dec. 8 Order. The Region will also initiate modification proceedings implementing the settlement agreement between the Region and the City. The Region requests that the stay be extended until completion of the permit modification proceedings.

For good cause shown, the Region's request is granted. The stay in this matter is extended until August 31, 2006. In the interim, the Region shall provide the Board with status reports on the progress of the permit modification proceedings. These status reports shall be filed with the Board no later than April 3, 2006, and June 30, 2006.

So ordered.

Dated: *January 19, 2006*

ENVIRONMENTAL APPEALS BOARD

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

CERTIFICATE OF SERVICE

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

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Dated: JAN 19 2006


Annette Duncan
Secretary