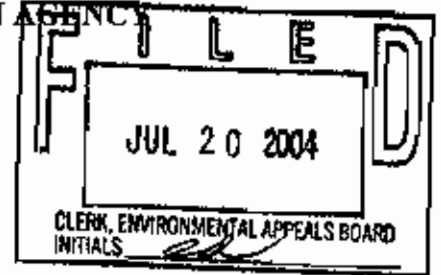


**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**



In re:)
)
City of Newburyport, Wastewater)
Treatment Facility)
_____)

NPDES Appeal No. 04-05

**ORDER EXTENDING TIME TO FILE A RESPONSE
AND SETTING DEADLINE FOR RESPONDING TO THE REGION'S
MOTION TO CONSOLIDATE PROCEEDINGS**

By motion received on July 16, 2004, U.S. EPA Region I requests that the Board "consolidate the proceedings in connection with the Island Future Group, Inc.'s ("IFG") June 9, 2004 Petition for Review * * * and the City of Newburyport's ("City") June 7, 2004 Petition for Review * * *." Motion to Consolidate Proceedings and for Stay of Proceedings and an Extension of the Response Date ("Motion") at 1. The Region also seeks a stay of the proceedings and an extension of time to file its response to IFG's petition from July 30, 2004, to October 29, 2004. The Board previously granted a joint motion to extend the deadline for the Region to respond to the City's petition until October 29, 2004, to allow the parties to engage in settlement negotiations.

The Motion states that Counsel for the Region has contacted IFG "to inquire as to whether IFG would be willing to file a joint motion for a stay of proceedings but has not yet heard back from IFG * * *." Motion at 2. The Region also states that it has contacted IFG regarding the possibility of engaging in settlement discussions and is awaiting a response. In

addition, the Region states that it is exploring the possibility of engaging in alternative dispute resolution with the assistance of a third party neutral. *Id.* at 2-3.

In support of its request to consolidate proceedings, the Region states that “the two petitions involve the same permit and * * * the issues raised in the City’s and IFG’s petitions substantially affect the other party.” *Id.* The Region also states that given the diverse issues raised in both petitions, the Region “needs additional time to review the issues raised by both parties.” *Id.* In addition, the Region states that “additional time is needed in order to accommodate office absences (counsel for the Region will be out of the office from July 16th through July 23rd and the EPA permit writer will be out of the office the last two weeks of August), as well as the pending Democratic National Convention the last week of July which is resulting in many employees working at home (including counsel for the Region and the permit writer).” *Id.* at 3.

For good cause shown, the deadline for the Region to file¹ its response to IFG’s petition for review is extended until August 6, 2004, in recognition of the disruption attendant upon the Democratic National Convention. With regard to the request for consolidation, as well as the stay of proceedings and any additional extensions beyond August 6, 2004, the Board will await a

¹A document is “filed” with the Board on the date it is received.

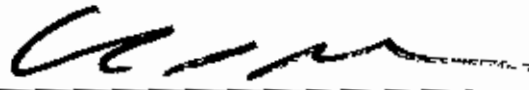
response from IFG before making a determination. Any response from IFG must be filed with the Board no later than July 30, 2004.

So ordered.

Dated: 7/20/04

ENVIRONMENTAL APPEALS BOARD

By:



Edward E. Reich
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing Order Extending Time to File a Response and Setting Deadline for Responding to the Region's Motion to Consolidate Proceedings 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: JUL 20 2004


Annette Duncan
Secretary