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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I

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BOSTON, MASSACHUSETTS 02114-2023-6 PH 1: 38

ENVIR. APPEALS BOARD

July 1, 2004

Eurika Durr  
Clerk of the Board  
U.S. Environmental Protection Agency  
Environmental Appeals Board  
Ariel Rios Building,  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Re: City of Newburyport Wastewater Treatment Facility  
NPDES Appeal No. 04-05

Dear Ms. Durr:

Enclosed please find an original and five copies of a Joint Motion for Stay of the Proceedings and an Extension of the Response Date in the above-captioned matter.

Please feel free to contact me at 617-918-1734, or by fax at 617-918-1809, if you need to discuss this filing. My e-mail address is [bandrowicz.toni@epa.gov](mailto:bandrowicz.toni@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Tonia Bandrowicz".

Tonia Bandrowicz  
Senior Enforcement Counsel

cc: Barry P. Fogel, Esq.,

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**BEFORE THE ENVIRONMENTAL APPEALS BOARD,  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.     2004 JUL -6 PM 1:38**

ENVIR. APPEALS BOARD

In the Matter of: )  
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City of Newburyport, Wastewater )  
Treatment Facility )     NPDES Appeal No. 04-05  
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)  
Permit Number: MA0101427 )  
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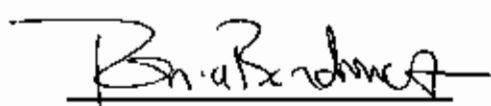
**JOINT MOTION FOR STAY OF PROCEEDINGS AND AN EXTENSION OF  
THE RESPONSE DATE**

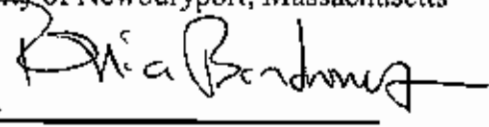
Region I of the Environmental Protection Agency ("Region"), Respondent, and City of Newburyport, Massachusetts ("Newburyport"), Petitioner, request that the Board stay the proceedings in connection with Newburyport's June 3, 2004 Petition for Review and extend the date for the Region to file a response in this case from July 26, 2004 to October 29, 2004. The parties believe that resolution of some or all of the issues in this appeal is possible and have agreed to enter into settlement discussions. A settlement of some or all of the issues in this appeal will simplify or resolve the issues before the Board and thus conserve the Board's resources. Therefore, the Region and Newburyport request that the Board extend the deadline for the Region's response to October 29, 2004.

Respectfully submitted,

United States EPA/Region I

City of Newburyport, Massachusetts



for 

Tonia Bandrowicz  
Office of Regional Counsel  
US EPA Region 1 (SEL)  
One Congress St. - Suite 1100  
Boston, MA 02114-2023  
Phone: (617) 918-1734  
Fax: (617) 918-1809

Barry P. Fogel, Esq.  
Keegan, Werlin & Pabian, LLP  
265 Franklin Street  
Boston, MA 02110-3113  
Phone: (617) 951-1400  
Fax: (617) 951-1354

Dated: July 1, 2004

Dated: July 1, 2004

In the Matter of:  
City of Newburyport Wastewater Treatment Facility  
NPDES Appeal No. 04-05

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 1st Day of July, 2004 to the Environmental Appeals Board 1103B, Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20460, and that a copy of the foregoing was sent by First Class Mail, postage prepaid, to the following person:

Barry P. Fogel, Esq.  
Keegan, Werlin & Pabian, LLP  
265 Franklin Street  
Boston, MA 02110-3113

Dated: 7/1, 2004

Sally Burt