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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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ENVIRONMENTAL APPEALS BOARD

October 21, 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 Second 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.

Sincerely,

A handwritten signature in black ink that reads "Tonia Bandrowicz".

Tonia Bandrowicz
Senior Enforcement Counsel

cc: Barry P. Fogel, Esq.,
Maria R. Eigerman

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

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ENVIRONMENTAL APPEALS BOARD

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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)
_____)

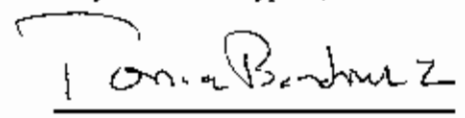
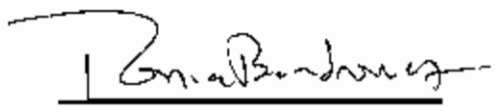
**SECOND JOINT MOTION FOR STAY OF PROCEEDINGS AND
AN EXTENSION OF THE RESPONSE DATE**

By Joint Motion filed on July 6, 2004, Region I of the Environmental Protection Agency ("Region"), Respondent, and City of Newburyport, Massachusetts ("Newburyport"), Petitioner, sought a stay of the proceedings in the above-captioned matter until October 29, 2004, based upon the belief that resolution of some or all of the issues in this appeal was possible. The Environmental Appeals Board (the "Board") granted the motion by order dated July 7, 2004. The parties have met and made considerable progress toward a resolution of Newburyport's June 3, 2004 Petition for Review. In order to have sufficient time to conclude negotiations, the Region and Newburyport request that the Board stay the proceedings and extend the date for the Region to file a response in this case from October 29, 2004 to January 15, 2005.

Respectfully submitted,

United States EPA/Region I

City of Newburyport, Massachusetts



Tonia Bandrowicz
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US EPA Region 1 (SEL)
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Phone: (617) 918-1734
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Barry P. Fogel, Esq.
Keegan, Werlin & Pabian, LLP
265 Franklin Street
Boston, MA 02110-3113
Phone: (617) 951-1400
Fax: (617) 951-1354

Dated: October __, 2004

Dated: October __, 2004

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

CERTIFICATE OF SERVICE

I, Tonia Bandrowicz, hereby certify that one original and five copies of the foregoing Joint Motion were mailed by First Class Mail on this _____, 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

Maria R. Eigerman, President
Islands Future Group, Inc.
P.O. Box 1392
Newburyport, MA 01950

Dated: 10/21, 2004

Tonia Bandrowicz