



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

ONE CONGRESS STREET SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

RECEIVED
U.S. E.P.A.

2006 OCT -3 PM 1:54

ENVIR. APPEALS BOARD

BY FAX

September 28, 2006

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 Status Report on Permit Modification
in NPDES Appeal No. 04-05.

Sincerely,

A handwritten signature in cursive script that reads "Tonia Bandrowicz".

Tonia Bandrowicz
Senior Enforcement Counsel

cc: Barry P. Fogel, Esq.,
Maria R. Eigerman
David McFarlane
John A. Pike, Esq.

RECEIVED
U.S. E.P.A.

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

OCT 3 PM 1:54
ENVIR. APPEALS BOARD

_____)
In the Matter of:)
)
City of Newburyport, Wastewater)
Treatment Facility) NPDES Appeal No. 04-05
)
Permit Number: MA0101427)
_____)

STATUS REPORT ON PERMIT MODIFICATION

On May 4, 2006, the City of Newburyport (the "City") and the New England Regional Office of the U.S. Environmental Protection Agency (the "Region") filed a Settlement Agreement in this matter. Under the terms of the Settlement Agreement, the Region agrees to, among other things, modify the City's NPDES permit in certain respects and issue a public notice of the draft permit modification within 60 days of execution of the Settlement Agreement.

On May 9, 2006, the Environmental Appeals Board (the "Board") issued an order further staying the proceedings in this matter until December 15, 2006, and requiring submission of status reports by July 31 and September 29, 2006.

On June 7, 2006, the Region notified the Board that it had public noticed a permit modification and that it would apprise the Board of when the permit modification is finalized.

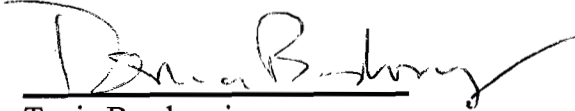
As of this date, the public comment period on the permit modification has closed. The Region did receive comments on the permit modification from several interested entities and has completed a draft response to those comments which is being circulated for signature and approval by the appropriate representatives at EPA and which will be issued shortly.

The parties intend to notify the Board once the permit modification is finalized and will, as required by the Board's May 9, 2006 Order, move the Board to withdraw the pending Petition

for Review in accordance with the remaining terms of the Settlement Agreement.

Respectfully submitted,

United States EPA/Region I

A handwritten signature in black ink, appearing to read "Tonia Bandrowicz", written over a horizontal line.

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

Dated: September 28, 2006

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 Status Report on Permit Modification were mailed by First Class Mail on this 28th day of September, 2006 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:

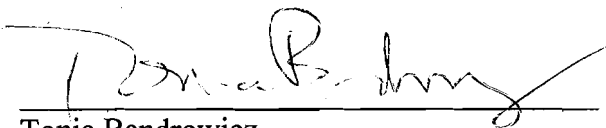
Barry P. Fogel, Esq.
Keegan, Werlin & Pabian, LLP
265 Franklin Street
Boston, MA 02110-3113

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

David McFarlane
c/o Islands Future Group, Inc.
P.O. Box 1392
Newburyport, MA 01950

John A. Pike, Esq.
Conservation Law Foundation
62 Summer Street
Boston, MA 02110-1016

Dated: September 28, 2006



Tonia Bandrowicz
Senior Enforcement Counsel