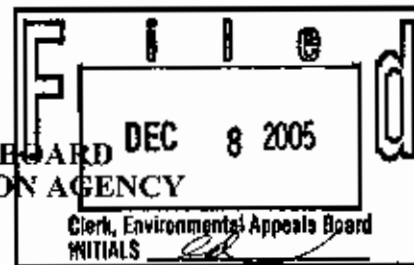


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:

City of Newburyport, Wastewater
Treatment Facility

NPDES Permit No. MA-0101427

NPDES Appeal Nos. 04-05

ORDER LIFTING 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 until December 30, 2005. The stay was based on the representations of U.S. EPA Region I (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 ("IFG") (designated as NPDES Appeal No. 04-06).

Given the Board's December 8, 2005 Order Denying Review in Part and Remanding in Part in NPDES Appeal No. 04-06, the stay of the City's Petition, NPDES Appeal No. 04-05, is hereby lifted. The Region and the City shall advise the Board no later than January 13, 2005, whether they plan to

finalize their settlement agreement and whether the City plans to withdraw its Petition for Review with the Board.

So ordered.

Dated: 12/08/05-

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 Lifting 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: DEC 8 2005


Annette Duncan
Secretary