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ENVIRONMENTAL APPEALS BOARD

October 13, 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 Motion by Region to File Sur-Reply 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 that reads "Tonia Bandrowicz".

Tonia Bandrowicz  
Senior Enforcement Counsel

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

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

2004 OCT 14 PM 2:47  
ENV. APPEALS BOARD

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In the Matter of: )  
 )  
City of Newburyport, Wastewater )  
Treatment Facility )  
 )  
Permit Number: MA0101427 )  
\_\_\_\_\_ )

NPDES Appeal No. 04-06

**MOTION BY REGION FOR TIME TO FILE SUR-REPLY**

On September 24, 2004, Island Future Group ("IFG") filed a reply to the U.S. Environmental Protection Agency, Region 1 (the "Region") August 26, 2004 Response to IFG's Petition for Review. IFG claims that it is filing the reply in order to correct certain statements and arguments made by the Region in its response. The Environmental Appeals Board's (the "Board's") rules do not expressly provide for the filing of such a reply. If the Board intends to allow such filing into the record, the Region respectfully requests the opportunity to respond in writing to the issues raised by IFG in its reply. Specifically, the Region wishes to address the new arguments presented by IFG as well as to correct certain inaccuracies made by IFG. Providing the Region the opportunity to correct misunderstandings of the Region's original response could facilitate the Board's review and decision on the petition. Accordingly, EPA requests that it be granted until November 12, 2004 in which to file a sur-reply.

Respectfully submitted by EPA Region 1



Tonia Bandrowicz  
Senior Enforcement Counsel  
U.S. EPA - Region 1  
1 Congress Street, Suite 1100  
Boston, MA 02114-2023  
Tel: (617) 918-1735  
Fax: (617) 918-1809

Dated: October 12, 2004