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To: Eurika Durr, Clerk of the Board
Environmental Appeals Board

Fax: 202-233-0121

From: Tonia Bandrowicz

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If you have any issues/concerns, please feel free to contact Barbara Barrett
(617) 918-1700



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ENVIR. APPEALS BOARD

BY FAX

August 1, 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 Second Status Report on NPDES Appeal Nos. 04-05.

Sincerely,

Tonia Bandrowicz
Senior Enforcement Counsel

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

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

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ENVIR. APPEALS BOARD

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

NPDES Appeal No. 04-05

SECOND STATUS REPORT

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 is currently in the process of drafting a response to those comments which it will be issuing 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



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: August 1, 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 Second Status Report were mailed by First Class Mail on this first day of August, 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.
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Newburyport, MA 01950

David McFarlane
c/o Islands Future Group, Inc.
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John A. Pike, Esq.
Conservation Law Foundation
62 Summer Street
Boston, MA 02110-1016

Dated: August 1, 2006