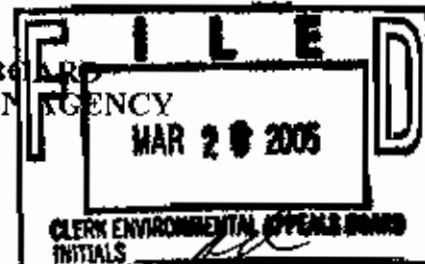


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BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:

City of Newburyport, Wastewater
Treatment Facility

NPDES Appeal Nos. 04-05 and 04-06

STAY ORDER

In a Status Report filed on March 24, 2005,¹ U.S. EPA Region I (the "Region") requests a further extension of the deadline to file its response to the petition for review filed by the City of Newburyport, Massachusetts (the "City") in NPDES Appeal No. 04-05. Status Report on Negotiations of NPDES Appeal No. 04-06 ("Status Report"). The Status Report states that the City concurs in the request. In a prior extension request, granted by the Board on January 18, 2005, the Region and the City stated 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). In granting the prior extension, the Board encouraged the Region and IFG to pursue the possibility of a negotiated resolution. *See* Order Extending Stay at 2 n.1 (EAB, Jan. 18, 2005).

In support of an additional stay in this matter, the Region now states that it and IFG are pursuing the possibility of a negotiated resolution, and that the parties "have tentatively agreed to meet in the near future." Status Report at 1. In addition, the Status Report states that the parties are

¹ Documents are "filed" with the Board on the date they are received.

"exploring the possibility of having a third party neutral facilitate any meeting between the parties."


*Id.*²

For good cause shown, the Region's request is granted. The stay in this matter is extended until June 30, 2005.

So ordered.

Dated: MAR 28 2005

ENVIRONMENTAL APPEALS BOARD

By: 
For Kathie A. Stein
Environmental Appeals Judge

² The Board supports the parties' efforts to pursue the possibility of a negotiated resolution, as suggested by the Board's January 18, 2005 Order Extending Stay, and encourages both the Region and IFG to participate in the negotiation process in good faith.

CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing Stay Order in the matter of City of Newburyport, Wastewater Treatment Facility, NDPEs Appeal No. 04-05 and 04-06, were sent to the following persons in the manner indicated:

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Dated:

MAR 28 2005


Annette Duncan
Secretary