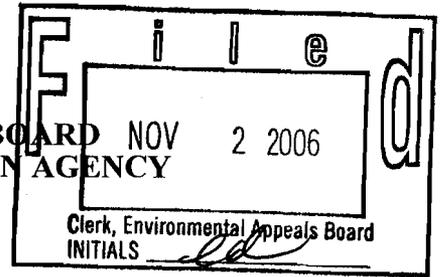


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:

City of Newburyport, Wastewater
Treatment Facility

NPDES Permit No. MA-0101427

NPDES Appeal No. 04-05

ORDER GRANTING REQUEST TO WITHDRAW PETITION FOR REVIEW

By submission received on May 4, 2006, the parties in the above-captioned matter, the City of Newburyport (the "City") and U.S. EPA Region I (the "Region"), informed the Board that they had reached a settlement agreement under which the Region agreed to modify the City's permit in certain respects. Once modification proceedings were completed in accordance with the agreement, the City would then withdraw its petition for review with this Board. On November 1, 2006, the Region informed the Board that a permit modification has now been finalized and requests that the Board "affirm the withdrawal of the City's pending Petition for Review in accordance with the remaining terms of the Settlement Agreement." Notification of Issuance of Final Permit Modification and Request to Withdraw Pending City of Newburyport Petition for Review at 2 (Nov. 1, 2006). The City does not oppose the request.

Accordingly, the request to withdraw the City's Petition for Review is granted. The City's petition is hereby dismissed with prejudice.

So ordered.

Dated: *Nov. 2, 2006*

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 Granting Request to Withdraw Petition for Review 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:

Certified Mail:

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

First Class Mail:

M.R. Eigerman, President
David McFarlane
Island Futures Group, Inc
P.O. Box 1392
Newburyport, MA 01950

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

Pouch Mail:

Tonia Bandrowicz
U.S. EPA Region I
Office of Regional Counsel (SEL)
One Congress Street, Suite 1100
Boston, MA 02114-2023

Dated: NOV 13 2006


Annette Duncan
Secretary