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ENVIR. APPEALS BOARD

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To: Clerk, Environmental Appeals Board

Fax: (202) 233-0121

From: Ron Fein, Office of Regional Counsel *RF*

Date: 1/27/2006

Number of pages including cover: 4

Return Fax: 617-918-0040

Message:

This is a fax copy of a motion that will also be overnighted.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

ONE CONGRESS STREET SUITE 1100
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ENVIR. APPEALS BOARD

VIA OVERNIGHT DELIVERY
VIA FACSIMILE

Eurika Durr, Clerk of the Board, Environmental Appeals Board
U.S. Environmental Protection Agency
1341 G Street, N.W., Suite 600
Washington, D.C. 20005

Re: NPDES Appeal No. 05-14
NPDES Permit No. MA0005282
Texon USA
Russell, Massachusetts

Date: January 27, 2006

Dear Ms. Durr,

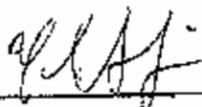
Enclosed please find an original and five copies of the Agency's Motion to Dismiss in the above-captioned case.

Sincerely,

Ronald A. Fein, Assistant Regional Counsel
U.S. Environmental Protection Agency Region I
One Congress Street, Suite 1100 (RAA)
Boston, MA 02114
617-918-1040
Fax: 617-918-0040

cc: Jeffrey P. Bibeau, Tighe & Bond, Inc.
Mark S. Stupak, Texon USA

Respectfully submitted,



U.S. Environmental Protection Agency,
New England Region

By its Attorney,
Ronald A. Fein
Assistant Regional Counsel
U.S. Environmental Protection Agency
One Congress Street, Suite 1100 (RAA)
Boston, MA 02114
617-918-1040
Fax 617-918-0040

Dated: January 27, 2006