



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY RECEIVED
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BOSTON, MASSACHUSETTS 02114-2023
U.S. E.P.A.

June 1, 2006

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ENVIR. APPEALS BOARD

Eurika Durr, Clerk of the Board (MC 1103B)
Environmental Appeals Board
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue NW
Washington, DC 20460

Jamison E. Colburn
Associate Professor of Law
Western New England College School of Law
1215 Wilbraham Road
Springfield, MA 01119

John P. Curtin, Esq.
Boston & Maine Corporation
Iron Horse Park, High Street
North Billerica, MA 01862

Re: Notice of Uncontested and Severable Conditions
NPDES Permit No. MA0000272
NPDES Appeal No. 05-17
Boston & Maine Corporation (East Deerfield, Massachusetts)

Dear Ms. Durr, Prof. Colburn, and Mr. Curtin:

On September 23, 2005, EPA reissued a National Pollutant Discharge Elimination System Permit, No. MA0000272 ("Permit"), to the Boston & Maine Corporation ("Permittee"). The Permit superseded the prior permit issued by the Region on November 19, 1975. On October 27, 2005, the Connecticut River Watershed Council, Inc., and Jamison E. Colburn ("Petitioners") filed a petition for review with the Environmental Appeals Board ("Board"). By order of the Board, the proceedings are currently stayed until July 3, 2006 to allow the parties to resolve the Petition by settlement.

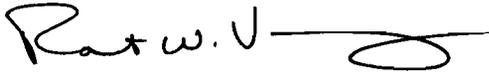
The Petition alleges that, with respect to the five stormwater outfalls (Outfalls 001, 002, 003, 005 and 006), EPA erred by (1) not including numeric effluent limits in the Permit, (2) not requiring more extensive monitoring, (3) not requiring that the Storm Water Pollution Prevention Plan be made subject to public comment; and (4) inadequately discharging its duties to ensure, after consultation with appropriate federal wildlife agencies, that the permit issuance is not likely to jeopardize endangered or threatened species.

The Petition does not, however, request that any of the specific conditions in the Permit be modified or deleted. Therefore, pursuant to 40 C.F.R. § 124.16(a)(2)(ii), I have determined that the Petition does not contest any specific conditions of the Permit.

Pursuant to 40 C.F.R. § 124.16(a)(2)(ii), this letter notifies you of my determination that all of the specific conditions of the Permit are uncontested. Thus, all of the conditions will become fully effective enforceable obligations effective thirty days from the date of this notice, as provided by 40 C.F.R. § 124.16(a)(2)(i).

If you have any questions regarding this correspondence, please feel free to contact Ronald Fein, the Region's legal counsel in this matter, at 617-918-1040, or Steven Calder, in our Office of Ecosystem Protection, at 617-918-1744.

Sincerely,

A handwritten signature in black ink, appearing to read "R. W. Varney", with a long horizontal flourish extending to the right.

Robert W. Varney
Regional Administrator

cc: Steven Calder, EPA
Damien Houlihan, EPA
David Webster, EPA
Roger Janson, EPA
Linda Murphy, EPA
Ronald Fein, EPA
Denny Dart, EPA
Paul Hogan, MassDEP