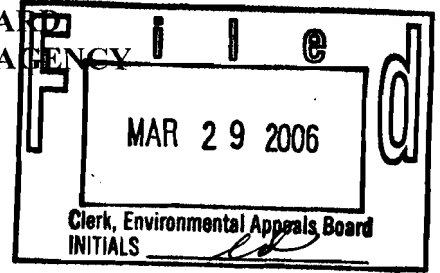


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
)
Boston & Maine Corporation) NPDES Appeal No. 05-17
East Deerfield Massachusetts)
)
NPDES Permit No. MA0000272)
)

**ORDER GRANTING MOTION FOR
STAY OF PROCEEDINGS**

In a status report and motion dated March 17, 2006, U.S. EPA Region I (“Region”) seeks an additional stay of 60 days in the above-captioned proceeding. Currently, the proceedings are stayed until May 3, 2006, by which date the Region must file its response to the petition for review jointly filed by Connecticut River Watershed Council, Inc., and Jamison E. Colburn (“Petitioners”).

The Region reports continued progress in its efforts to resolve this matter. In particular, the Region relates that it and the Petitioners “have tentatively agreed” to the terms of a permit modification and that the “Region has not received any information from the Permittee suggesting that the Region should not proceed to issue a draft permit modification upon such terms.” In support of its motion requesting that the proceedings be stayed for 60 more days, the Region explains that the additional time will enable the Region to (1) finish obligatory consultation with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service under Section 7(a)(2) of the Endangered Species Act and (2) “receive public comments on the draft permit notification, make any required changes, and issue a final permit modification.”

The Region also notes that it has discussed its motion with counsel for the Petitioners and that

the Petitioners do not object to the motion for a continued stay of proceedings.

For good cause shown, the Region's motion is hereby granted. The Region's May 3, 2006 filing deadline is rescinded, and the proceedings are stayed for an additional 60 days, until July 3, 2006. The parties are directed to submit a status report by June 5, 2006, to advise the Board whether it is appropriate to continue the stay, dismiss the Petition, or to schedule the Region's response to the petition.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: March 29, 2006

By: Anna L. Wolgast
Anna L. Wolgast
Environmental Appeals Judge

