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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

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ENVIR. APPEALS BOARD

VIA OVERNIGHT DELIVERY

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. 05-17
NPDES Permit No. MA0000272
Boston & Maine Corporation
East Deerfield, Massachusetts

Date: January 18, 2006

Dear Ms. Durr,

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

Sincerely,

A handwritten signature in black ink, appearing to read "R. Fein".

Ronald A. Fein, Assistant Regional Counsel
U.S. Environmental Protection Agency Region 1
One Congress Street, Suite 1100 (RAA)
Boston, MA 02114
617-918-1040
Fax: 617-918-0040

cc: Andrea Donlon, Connecticut River Watershed Council
Jamison E. Colburn, Western New England College School of Law
Geoffrey S. Nickerson, Boston and Maine Corporation

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

CERTIFICATE OF SERVICE

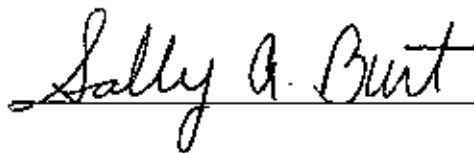
I, Sally Burt, hereby certify that one original and five copies of the foregoing Joint Motion were sent by overnight delivery on this 18th day of January, 2006 to the Clerk of the Board, Environmental Appeals Board, U.S. Environmental Protection Agency, 1341 G Street, N.W., Suite 600, Washington, D.C. 20005, and that copies of the foregoing were sent by First Class Mail, postage prepaid, to the following persons:

Andra Donlon, River Steward
Connecticut River Watershed Council, Inc.
15 Bank Row
Greenfield, MA 01301

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

Geoffrey S. Nickerson
Law Department
Boston and Maine Corporation
Iron Horse Park
North Billerica, MA 01862

Dated: January 18, 2006


Sally A. Burt

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

JAN 19 AM 10: 27
ENVIR. APPEALS BOARD

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

MOTION FOR STAY OF PROCEEDINGS

The New England Region of the Environmental Protection Agency ("the Region") respectfully requests that the Environmental Appeals Board ("EAB") stay the proceedings in the above-referenced appeal.

BACKGROUND

On September 23, 2005, EPA reissued a National Pollutant Discharge Elimination System Permit, No. MA0000272 ("Permit"), to the Boston & Maine Corporation ("Permittee"). On October 27, 2005, Connecticut River Watershed Council, Inc., and Jamison E. Colburn ("Petitioners") filed a petition for review with the EAB contesting various aspects of the Permit and the process leading to its issuance. On November 2, 2005, the EAB directed the Region to submit a response by December 20, 2005. On December 2, 2005, the Region requested a forty-five day extension of time in light of the fact that the parties had entered into settlement negotiations and anticipated resolving the issues raised by the petition through a permit modification.

On December 7, 2005, the EAB granted the Region's request and extended the deadline for the Region's response to February 3, 2006.

GROUND FOR STAY

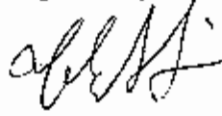
The Region and the Petitioners have progressed significantly in settlement discussions and have agreed upon a framework for resolution of the issues presented in the Petition. The parties believe that, with adequate time for further discussions, there is a substantial likelihood that the issues raised in the Petition will be resolved to Petitioners' satisfaction, leading to a permit modification and withdrawal of the Petition.

In the interests of judicial economy and to conserve resources, the Region requests that these proceedings be stayed for 90 days in order to allow the Region sufficient time to (1) consult with the Permittee, (2) conclude final discussions with Petitioners, and (3) issue a permit modification that would resolve the issues raised by the Petition. Absent a stay, the parties will be required to divert their time and effort from ongoing settlement discussions to proceedings before the EAB. As soon as possible, but in no event later than 90 days, the parties will submit a status report to advise the EAB whether it is appropriate to continue the stay, dismiss the Petition, or to schedule EPA's response to the Petition.

REQUESTED RELIEF

Accordingly, the Region requests that this matter be stayed for 90 days to allow the parties to resolve the issue through settlement discussions. The Region represents that its undersigned counsel has discussed this motion with Petitioners' counsel and that Petitioners assent to the motion.

Respectfully submitted,



Ronald A. Fein, Assistant Regional Counsel
U.S. Environmental Protection Agency Region 1
One Congress Street, Suite 1100 (RAA)
Boston, MA 02114
617-918-1040
Fax: 617-918-0040

Date: January 18, 2006

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