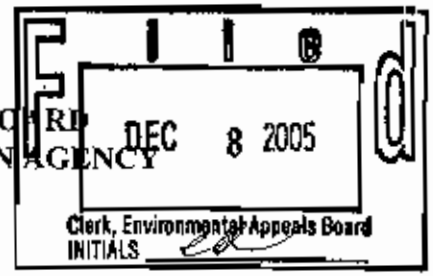


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
)
Beacon Park Yard)
(CSX Transportation, Inc.)
)
Permit No. MA0025704)
_____)

NPDES Appeal No. 05-13

ORDER GRANTING MOTION FOR ADDITIONAL EXTENSION OF TIME

On December 6, 2005, U.S. EPA Region 1 ("Region") filed a status report and motion for an additional extension of time to respond to the August 10, 2005 petition for review filed by petitioner CSX Transportation, Inc. ("CSX") in the above-captioned proceeding. The petition for review challenges the Final NPDES Permit ("Final Permit") reissued by the Region to CSX on July 11, 2005, for CSX's Beacon Park Yard Facility ("Facility"). The Region's response to the petition for review is currently due by December 8, 2005.

The Region reports that it and CSX have resolved all issues in their appeal except for Final Permit requirements related to the Facility's Outfall 001A. In order to resolve this matter, the Region relates that it has agreed to propose for public comment a draft permit that will modify Outfall 001A's requirements regarding flow limits and temperature monitoring. To accommodate the additional time needed to comply with the draft permit procedures described at 40 C.F.R. § 124.19(d),¹ the Region requests an extension of time, until February 10, 2006, to file

¹The Region reports that it has withdrawn from the Final Permit the flow limits and temperature monitoring requirements for Outfall 001A that the petitioner has contested. Section

a response to the petition for review. According to the Region, this additional stay of proceedings will "allow the permit modification to become final, upon which event CSX will withdraw its appeal before the Board." The Region represents that Counsel for CSX concurs in the Region's motion.

For good cause shown, the Region's motion for an additional extension of time is hereby granted. The Region's response is due on or before February 10, 2006. The Board requests that before this date, the parties file with the Board another status report informing the Board about their intention to dismiss the petition for review, seek a continued stay, or establish a schedule for the Region's response to the petition.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: 12/8/05

By: Kathie A. Stein
Kathie A. Stein
Environmental Appeals Judge

124.19(d) of the "Procedures for Decisionmaking" governing this proceeding provide that before the EAB issues an order granting or denying a petition for review, the Regional Administrator "may, upon notification of the [EAB] and any interested parties, withdraw the permit and prepare a new draft permit under § 124.6 addressing the portions so withdrawn." 40 C.F.R. § 124.19(d). Section 124.6 lists requirements of draft permits, including public notice and comment. See 40 C.F.R. § 124.6.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Motion for Additional Extension of Time in the matter of Beacon Park Yard (CSX Transportation, Inc.), NPDES Appeal No. 05-13, were sent to the following persons in the manner indicated:

By Certified Mail, Return Receipt Requested and Facsimile:

Thomas Anderson, Counsel
CSX Transportation, Inc.
500 Water Street, J-150
Jacksonville, FL 32202
Fax No.: (904) 357-7718

By Pouch Mail and Facsimile:

Jeanhee Hong, Counsel
Office of Regional Counsel
U.S. EPA Region I (RAA)
One Congress, St. -Suite 1100
Boston, MA 02114-2023
Fax No.: (617) 918-0787

Dated: DEC - 8 2005


Annette Duncan
Secretary