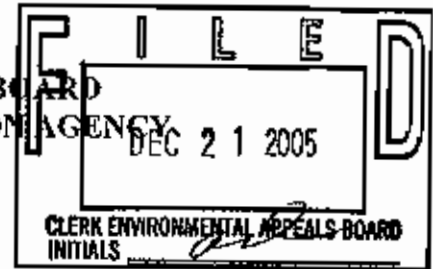


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
)
Boston & Maine Corporation)
East Deerfield Massachusetts)
)
NPDES Permit No. MA0000272)
_____)

NPDES Appeal No. 05-17

ORDER GRANTING MOTION TO PARTICIPATE

By motion filed on December 16, 2005, Boston & Maine Corporation (B&M), the permittee in the above-captioned proceeding, requests leave to participate in this proceeding and to file a response to the petition for review jointly filed by petitioners Connecticut River Watershed Council, Inc., and Jamison E. Colburn ("Petitioners"). B&M requests that it be allowed to file a written response to the petition for review on or before February 3, 2006, which is the date by which the Region must file its response to the petition for review.¹

In support of its motion, B&M states that as the permittee, it has a material interest in the petition and that a determination by the EAB "may as a practical matter impair B&M's interest in the Permit." B&M further represents that its interest in this matter is not adequately represented by either the Petitioners or EPA Region I.

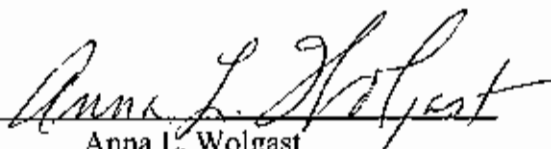
¹In a recent order, the Board granted EPA Region I an extension of time until, February 3, 2006, to file its response to the petition for review. See Order Granting Motion for Extension of Time to File Response (Dec. 7, 2005).

B&M's motion is granted. B&M's response must be received by the Board no later than February 3, 2006.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: DEC 21 2005

By: 
Anna L. Wolgast
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Motion to Participate in the matter of Boston & Maine Corporation, NDPES Appeal No. 05-17, were sent to the following persons in the manner indicated:


By First Class Mail: Professor Jamison Colburn
 WNEC-Law School
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By Pouch Mail: Ronald A. Fein, Assistant Regional Counsel
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Date: DEC 21 2005



Annette Duncan
Secretary