



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
1 Congress Street, Suite 1100
BOSTON, MA 02114-2023

OCT 19 2005

Eurika Durr, Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
607 14th Street, N.W.
Suite 500
Washington, D.C. 20005

Tony C. Bellamy, Director
Environmental Engineer & Field Services
CSX Transportation
500 Water Street, J-275
Jacksonville, FL 32202

Re: Notice of Uncontested and Severable Conditions of NPDES Permit MA0025704

Dear Ms. Durr and Mr. Bellamy:

By an undated letter to the Environmental Appeals Board, CSX Transportation filed, pursuant to 40 C.F.R. § 124.19(a), a Petition for Review (the "Petition") of NPDES permit MA0025704 (the "Permit") reissued by the New England Regional Office of the U.S. Environmental Protection Agency (the "Region") to CSX Transportation, Inc. (the "Company") on July 11, 2005. The Board received the Company's Petition on August 10, 2005.

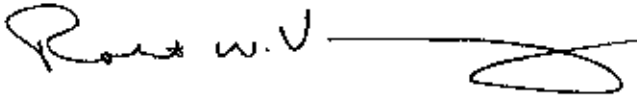
The Company's Petition involves the following six permit requirements. For outfall 001A of the Permit (in Part I.A.1. of the Permit), the Company contests: the maximum daily flow rate of 130,000 gallons per day (gpd), the effective date of the pH monitoring and recordkeeping requirements, and the new continuous temperature monitoring requirement. For outfall 002A of the Permit (in Part I.A.2. of the Permit), the Company contests the effective date of the monitoring and recordkeeping requirements for pH and flow and the effective date of the new Total Suspended Solids (TSS) effluent limit of 30 mg/L. Specifically, the Company requests: (1) an increase in the maximum daily flow rate for outfall 001A to 144,000 gpd, (2) elimination of the new continuous temperature monitoring requirement for Outfall 001A, and (3) additional time to comply with the pH monitoring and recordkeeping requirements for outfall 001A, the pH and flow monitoring and recordkeeping requirements for outfall 002A, and the new TSS effluent limit of 30 mg/L for outfall 002A.

Pursuant to 40 C.F.R. § 124.16(a)(2)(ii), this letter notifies you of my determination that these six permit requirements are stayed during the pendency of this appeal. All other conditions of the Permit are uncontested and severable from these requirements for outfalls 001A and 002A.

Thus, all of the other conditions are not stayed and will become fully effective enforceable obligations of the Permit 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 Jeanhee Hong, the Region's legal counsel in this matter, at 617-918-1787, or Steve Calder, in our Office of Ecosystem Protection, at 617-918-1744.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert W. Varney", followed by a long horizontal line that ends in a loop.

Robert W. Varney
Regional Administrator

cc: Glenn Haas, Director, Division of Watershed Management, MA DEP
Paul Hogan, Surface Water Permit Program, MA DEP
Jeanhee Hong, EPA
Steve Calder, EPA
Austine Frawley, EPA