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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
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ENVIRONMENTAL 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: December 2, 2005

Dear Ms. Durr,

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

Sincerely,

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

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

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ENVIRONMENTAL APPEALS BOARD

In re: _____
Boston & Maine Corporation _____
East Deerfield, Massachusetts _____

NPDES Appeal No. 05-17

MOTION FOR EXTENSION OF TIME

The New England Region of the Environmental Protection Agency ("the Region") requests that the Environmental Appeals Board ("EAB") grant a forty-five day extension of time to file the Region's response to the Petition for Review jointly filed by the Connecticut River Watershed Council, Inc., and Jamison E. Colburn ("the Petitioners") in the above-captioned matter. The Region seeks this additional time because the parties have entered into settlement negotiations and may be able to resolve the issues raised by the petition through a permit modification.

On September 23, 2005, EPA reissued a National Pollutant Discharge Elimination System Permit, No. MA0000272 ("Permit"), to the Boston & Maine Corporation ("Company"). On October 27, 2005, the Petitioners timely 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 to address whether the Petitioners have satisfied the requirements for obtaining review under 40 C.F.R. § 124.19(a).

The Region and the Petitioners have begun settlement discussions with respect to the issues raised in the petition. The Region's counsel believes that a forty-five day extension will allow the parties adequate time to negotiate a settlement or, if the negotiations are not fruitful, will allow the Region to provide an adequate response to the petition without prejudice to Petitioners. The Region represents that its undersigned counsel has discussed this motion with Petitioners' counsel and that Petitioners assent to the motion.

For the reasons set forth above, the Region respectfully requests that the EAB extend the deadline for the Region's response to the Petition to February 3, 2006.

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: December 2, 2005

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 2nd day of December, 2005 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:

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

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

Dated: December 2, 2005

